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ABSTRACT

Recent employment law reforms in England precipitated a telephone survey of a stratified random sample of 5,120 employed people (1,000 respondents) that was intended to find their levels of awareness and knowledge of employment rights and their exercise of those rights. Survey results included the following: (1) nearly 70% of those questioned assess themselves as well-informed or very well-informed about employment rights in general; (2) of laws known by respondents, the most commonly cited related to working time, health and safety, and discrimination; (3) while women assessed their awareness/knowledge as higher than men, the latter were more likely to name an employment right; (4) levels of awareness peaked in the 36-45 age group and among those with the highest level of education; (5) levels of awareness/knowledge were highest among managers and professionals, and among permanent employees and trade union members; (6) 16% of respondents experienced problems at work in relation to employment rights in the previous five years; (7) non-whites were nearly twice as likely to report work problems; and (8) older respondents and those with a work contract were much less likely to report having experienced problems. Because of the relatively small numbers who had experienced infringements of their rights, only limited conclusions could be drawn about whether a lack of awareness/knowledge disenfranchises people in achieving their employment rights. (There are 185

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figures and tables. Appended are a description of the research methodology; details of the achieved sample; scenarios; and the survey instrument.) (AJ)

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Department of Trade and Industry

Employment Relations Research Series No.15

Awareness, knowledge and exercise of individual employment rights

Nigel Meager, Claire Tyers, Sarah Perryman,
Jo Rick and Rebecca Willison

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Foreword

Promoting good employment relations is an important task of government. Our role in the Department of Trade and Industry is to encourage the development of a skilled and flexible labour market founded on the principle of partnership at work.

The Department commissions an ongoing programme of evaluation and research in employment relations. In-house researchers, economists and policy advisors devise research projects to be conducted on our behalf by external researchers, who are chosen through a competitive tendering process. Projects typically look at areas where we are interested in identifying good practice, in assessing the impact of particular policies or regulations, or examining emergent trends. Details of the programme appear regularly in *Labour Market Trends* and can be found at **http://www.dti.gov.uk/er/emar.**

The Research Series is where we disseminate the results of this work. The views expressed in these publications do not necessarily reflect those of the Department. We publish these reports as a contribution towards an open debate about how we might best achieve our overall aim of improving competitiveness.

Mark Beatson
Director, Employment Market Analysis and Research Branch

The Institute for Employment Studies

The Institute for Employment Studies is an independent, apolitical, international centre of research and consultancy in human resource issues. It works closely with employers in the manufacturing, service and public sectors, government departments, agencies, professional and employee bodies, and foundations. For over 30 years the Institute has been a focus of knowledge and practical experience in employment and training policy, the operation of labour markets and human resource planning and development. IES is a not-for-profit organisation which has a multidisciplinary staff of over 50. IES expertise is available to all organisations through research, consultancy, publications and the Internet.

IES aims to help bring about sustainable improvements in employment policy and human resource management. IES achieves this by increasing the understanding and improving the practice of key decision makers in policy bodies and employing organisations.

Acknowledgements

The study was conducted on behalf of the Department of Trade and Industry (DTI) by the Institute for Employment Studies in partnership with NOP, who undertook the fieldwork. The authors are grateful to Stephen Penlington, who managed the project on behalf of DTI, for his support and encouragement during the research, and to Carol Goldstone at NOP who supervised the fieldwork. Last, but by no means least, we are grateful to those members of the general public who gave their time to participate in the telephone survey.

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Executive Summary

This report presents the findings[1] of a nationally representative telephone survey of 1,000 economically active people of working age (males 16-64, females 16-59), focusing on their levels of awareness and knowledge of employment rights and their exercise of those rights.

The background for the study was a number of recent reforms to employment law, including provisions relating to: parental leave and dependant care, a National Minimum Wage, Working Time Regulations and disability discrimination.

The study operationalised the concepts of 'awareness' and 'knowledge' in a number of ways. In particular, the following measures were used:[2]

- **Informed awareness** (unprompted, or partly prompted): individuals are able to provide an example of a law protecting their rights at work with or without an example given.
- **Informed awareness** (prompted): individuals respond to direct questions about specific areas of law by stating that they are aware of that law.
- **Substantive knowledge**: individuals are able to answer correctly a question about a specific provision of employment law.
- **Perception of entitlements**: individuals are able to make a judgement about whether a scenario describing a hypothetical situation which may represent a breach of employment legislation, is lawful.[3]

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1 This Executive Summary contains key findings from the study as a whole. Each substantive chapter in the report itself begins with a more detailed overview of the main findings covered in that chapter.

2 For a fuller account of the approach used, the reader is referred to Chapter 2, and to Table 2.1 in particular, which summarises in more detail the definitions of awareness and knowledge used.

3 It is important to note that the scenario questions were designed to assess respondents' perceptions of (un)lawfulness as a means to gauging the extent to which perceptions are based on knowledge/ awareness of specific employment rights, rather than, for example, a general sense of 'natural justice'. Whether the situations described in

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- **Extent to which perception of entitlements is based on knowledge**: individuals are able not only to judge the lawfulness of a hypothetical situation, but also to identify the relevant area of law.

In addition to questions about their awareness and knowledge of employment rights, respondents were asked about any experiences they had of problems at work which might amount to an infringement of their employment rights, and about the extent and nature of any action they had taken as a result.

In expectation that only a minority of respondents would have recent experience of problems at work, questions were also asked about whether and how respondents would take action when faced with hypothetical situations which might amount to a breach of their employment rights.

Finally, the study asked about a number of new employment rights (relating to time off for dependents, paternity leave and parental leave), focusing on whether respondents believed that these rights were currently made available by their employer, and whether (if eligible) they had taken them up.

General awareness and knowledge of employment rights

Nearly 70 per cent of the sample assessed themselves as well-informed or very well-informed about employment rights in general.

Around one-quarter of respondents felt that they did not need to know more than they already did, whereas half felt that they would like to know more.

Almost half were able to name at least one employment law or entitlement without prompting. Following an example of an employment right being given, this increased to almost two-thirds. Most commonly cited were provisions relating to working time, health and safety and discrimination.

Those who assessed themselves as generally well-informed were more likely to be able to name an employment law or right than those rating themselves as not well-informed.

When asked about five specific groups of employment rights, awareness of the National Minimum Wage was the most widespread (91 per cent), followed by anti-discrimination and unfair dismissal rights, with fewer respondents showing awareness of the Working Time Directive and least of all showing

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the scenarios were unlawful in practice would depend on the precise circumstances of the case, and is something that could be decided on the facts only by an employment tribunal.

awareness of parental leave legislation (52 per cent). However, over three-quarters of respondents were aware of four or more of these rights when provided with a direct prompt.

Looking at personal and job characteristics of respondents:

- Women assess their awareness/knowledge as higher than men. However, men are more likely to demonstrate informed awareness (*eg* by naming an employment right).
- Non-white individuals are less confident than whites in their self-assessed awareness/knowledge, but their actual pattern of informed awareness is similar to that of their white counterparts.
- Levels of informed awareness peak in the 36-45 age group, and among those with the highest levels of qualification.
- Levels of self-assessed awareness/knowledge and of informed awareness were highest among managerial and professional workers, those in public administration, education and health and the business and financial services sectors, and among permanent employees and trade union members.

Awareness and knowledge of specific groups of employment rights

The study included detailed examination of respondents' awareness and knowledge of specific employment rights in five areas:

- Legislation related to work-life balance.
- Working time legislation.
- Wages, terms and conditions (including the National Minimum Wage).
- Anti-discrimination legislation.
- Unfair dismissal rights.

Key findings include the following:

- When asked to name an area of employment law, one-quarter mentioned working time regulations unprompted and over a fifth mentioned anti-discrimination legislation. When prompted, 96 per cent were aware of the National Minimum Wage, and nine out of ten were aware of provisions relating to discrimination, whilst only half were aware of a specific provision (parental leave) relating to work-life balance.
- Self-assessed awareness/knowledge of employment law in general is associated with greater substantive knowledge of specific provisions relating to the National Minimum Wage, working time regulations, and some aspects of unfair dismissal

and work-life balance legislation, but not with greater substantive knowledge of anti-discrimination provisions.

- Experience of relevant employment problems is associated with: higher levels of awareness of the National Minimum Wage, work-life balance legislation, anti-discrimination and unfair dismissal rights; and with a greater level of detailed knowledge of provisions relating to working time, the National Minimum Wage and unfair dismissal.
- Respondents were asked whether a series of hypothetical scenarios depicted potential infringements of employment law. Respondents were most likely to identify scenarios relating to pay and terms and conditions, annual leave and race discrimination as potentially unlawful.
- When asked to name a relevant area of law in support of their identification of a scenario as potentially unlawful, ability to name a supporting area of law was highest among respondents identifying potential infringements relating to race discrimination, pay and terms and conditions, and lowest for those relating to time off for dependants.
- Respondents were also asked about two scenarios depicting situations (dismissal on grounds related to sexual orientation or age), not covered by current statutory anti-discrimination provision.[1] However, fewer than half of these respondents could name a relevant supporting area of law (*eg* unfair dismissal legislation) suggesting that such judgements may relate to general perceptions of fairness or natural justice.

The study suggests that there are few general patterns of awareness/knowledge which apply across all employment rights and types of individual. Substantive knowledge of specific provisions varies dramatically within groups of related provisions. However, certain features of employment legislation appear to be associated with higher or lower levels of awareness/knowledge. These are:

- their visibility and length of time established (*eg* Health and Safety legislation compared, for example, with work-life balance legislation)
- publicity and/or controversy (*eg* Working Time Regulations)
- the existence of a visible enforcement body (*eg* Health and Safety, anti-discrimination legislation)
- their relevance to particular sub-groups of the population (*eg* anti-discrimination legislation).

The research suggested that several characteristics of respondents were associated with different levels of awareness/knowledge:

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[1] The scenarios were, however, designed to depict potential breaches of unfair dismissal legislation.

- Many of these characteristics were linked with labour market advantage/disadvantage. Thus: white, male, better qualified, white collar employees with permanent full-time jobs and written particulars of their terms and conditions appear to have higher than average levels of awareness and/or knowledge of employment rights. Many of these groups are also less likely than average to report having experienced violations of their employment rights.
- Other characteristics were linked to the specific legislation in question. For example, groups targeted by the legislation, or for whom the legislation was most relevant, were often (but not always) more aware of, or knowledgeable about it. Thus parents, women and 26-45 year olds have high awareness/knowledge of work-life balance legislation. Similarly, low-paid workers are more likely to be aware of the rate at which the National Minimum Wage is set; and disabled respondents are more likely to know that the Disability Discrimination Act employer threshold is currently 15 employees. In contrast, there is no clear evidence that knowledge of working time regulations is associated with respondents' working time patterns.

Availability and take-up of new entitlements

The study also examined the availability and take-up of recent provisions relating to:

- time off for dependants
- parental leave, and
- paternity leave.

It should be stressed that the findings report respondents' *perceptions* of whether or not their employer offers the various provisions (this may, of course, differ from the *actual* availability of these provisions). It should also be noted that two of the provisions represent statutory entitlements, whilst the third does not.

Key findings include the following:

- Three-quarters of respondents report that their employer offers time off for dependants (statutory entitlement).
- Around two in five report that their employer offers parental leave (statutory entitlement), and a similar proportion that their employer offers paternity leave (non-statutory entitlement).
- Paternity leave is the most likely of the three provisions to be paid leave: three-quarters of employers offering it made payment; parental leave, where offered, is least likely to be paid.

- Fewer than one in ten of those who reported that their employers offered parental leave believed they had been eligible for it during the previous year.
- Eight per cent of men who were aware that their employers offered paternity leave had been eligible for it during the previous year, and the majority had actually taken it.
- Almost all of those who had needed time off for dependants during the previous year had taken it (women were more likely than men to report needing such time off).
- In all three cases, the most common reason for not taking up the provision (when eligible) was affordability (because the leave/time off was unpaid or partly paid). Some employers do, however, pay for this provision.

Experience of problems at work, responses and actions

Sixteen per cent of respondents experienced problems at work in relation to their employment rights in the previous five years – most commonly in relation to pay and written particulars, followed by discrimination and working time issues. The relatively small numbers of respondents reporting such problems should be taken into account in interpreting the findings on this issue.

Key findings on problems experienced at work included:

- Non-white respondents were nearly twice as likely to report problems as their white counterparts.
- Older respondents and those with a written statement of terms and conditions were much less likely to report having experienced problems, while respondents in the business and finance sector were more likely to report such experience.
- Over half of those who experienced employment problems had sought help or advice, with three-quarters seeking advice within a week of the problem arising. The commonest sources of advice, in order, were Citizens' Advice Bureaux, personnel/HR managers and trade union representatives. Official sources were rarely used (the commonest being ACAS). The main reason for choosing particular sources related to their presumed specialist knowledge, and respondents were motivated (in equal proportions) by a wish to obtain advice on their legal rights, and a wish to secure practical suggestions for solving the problem.
- In a third of cases where advice was sought, the advice suggested that the respondent's treatment may have been unlawful, and in two-thirds of these cases, the respondent took the matter further.

- Four-fifths of those seeking advice and support also took the matter up with their employer: most of these did not contact the employer initially, but raised it with them at some stage. Two-thirds who took the matter up with their employer made contact with a senior manager rather than their line manger or personnel department.
- Among those taking action to remedy the problem, the commonest outcome (in 44 per cent of cases) was that they left the organisation (half voluntarily, half involuntarily). Among those who would take different steps in future, the commonest response was that they would take expert advice (from a legal adviser or trade union).
- Those who took no action gave two main reasons: a wish to avoid the inconvenience of taking action, and a belief that taking action would not solve the problem.

Respondents were also asked about what they would do in certain (hypothetical) situations. It needs to be borne in mind, in interpreting these findings: first that respondents describing their responses to hypothetical situations may give what they see as the 'expected' answer; and second that respondents' reported attitudes may not be good predictors of their behaviour if such a circumstance actually occurred. Key findings included the following:

- All respondents were asked what they would do if faced by an infringement of their rights at work. Nearly all said they would take some action (only two per cent would do nothing). Two-thirds would take advice, and over a quarter would talk directly to the employer (nearly all of these would take further advice if the response from the employer was unsatisfactory).
- Faced with a hypothetical infringement of their employment rights, over half were confident or very confident of receiving justice, a third were not sure and 15 per cent were not confident. Respondents who had experienced employment problems were no less confident of receiving justice than those who had not.
- Finally, although the research indicated some relationship between groups with low awareness/knowledge of employment rights and the likelihood of experiencing employment problems, there was no clear relationship between awareness/knowledge and the propensity to take action to resolve an employment problem. It does not appear that groups with lower levels of awareness/knowledge of employment rights are systematically less likely to take action in pursuit of those rights.

1. Introduction and Background

1.1 Introduction

With the introduction of new legislation in recent years to protect the rights of individuals[1], questions regarding the general awareness of the population about their rights at work are more pertinent than ever. As individuals are required to enforce these aspects of the law themselves, knowledge and awareness of new legislation among those directly affected by changes is crucial.

This report focuses on the levels of knowledge and awareness about employment rights and the exercise of these rights by the economically active working age population in Great Britain. It presents the findings of research undertaken by the Institute for Employment Studies (IES), in partnership with NOP, and commissioned by the Department for Trade and Industry (DTI).

1.2 The research study

The main aims of the study were:

- to assess individuals' awareness of their employment rights and entitlements
- to ascertain individuals' levels of knowledge about more detailed aspects of their rights
- to establish where people turn to for information and advice about employment issues
- to determine how people exercise their rights and whether they know how to do so
- to examine a range of personal and work/job-related characteristics for their impact on the above.

The research was based on a nationally representative telephone survey of individuals of working age (*ie* 16 to 64 for men and 16 to

[1] Key examples include the *Working Time Regulations 1998*, and the *Employment Relations Act 1999* (which includes legislation on parental leave, time off for dependants and the right to be accompanied in disciplinary and grievance proceedings).

59 for women) resident in Great Britain, who had engaged in some paid work in the last year as employees (self-employed individuals who had not worked as employees in the last year were excluded from the sample).

1.3 Background

1.3.1 Economic context[1]

The economic climate at the time of the research was one of rising employment and falling levels of unemployment. The employment rate for the UK[2], stood at 74.6 per cent for the period August to October 2000, having risen each year since 1993. During the same period, a total of 27.98 million people of all ages were in employment, which is up 305,000 over the year.

The ILO unemployment level among working age people was 1.6 million for the period August to October 2000, which is 116,000 lower than a year previously. This represents an ILO unemployment rate of 5.6 per cent. These levels of unemployment compare favourably with other European countries, with the UK below the average rate for the EU at October 2000, demonstrating lower rates of unemployment than countries such as Germany and France. These figures confirm the relatively buoyant nature of the current UK economy and labour market.

1.3.2 Legislative framework

There have been a number of key reforms in UK employment law over the last few years. These include:

- The *Employment Relations Act 1999*, which introduced a range of provisions including: parental leave and dependant care leave (by mid-December 1999), an increase in the limit on unfair dismissal compensation to a maximum of £50,000 (from 25th October 1999), and the right to be accompanied at disciplinary and grievance proceedings (from Spring 2000).
- The *National Minimum Wage Act 1998* and the *National Minimum Wage Regulations 1999* which applied from April 1999, introducing a minimum wage at £3.60 per hour (£3.70 from October 2000), and a youth rate at £3.20 for 18-21 year-olds.
- *Collective Redundancies and Transfer of Undertakings (Protection of)*, which came into force from July 1999.

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[1] Data in this section are taken from *Labour Market Trends*, January 2001, Vol. 109(1).

[2] Among people of working age, *ie* men aged 16-64 and women aged 16-59.

- The *Working Time Regulations 1998* (which aim to limit average working hours), introduced in October 1998.
- *Maternity and Parental Leave Regulations,* which took effect from December 1999.
- The *Human Rights Act 1998,* which came into force in October 2000.
- *Sex Discrimination (Gender Reassignment) Regulations 1999,* which took effect from June 1999.
- The *Disability Rights Commission (DRC) Act 1999,* which resulted in the establishment of the DRC in April 2000.

While the legislative landscape has undergone significant change, however, there is little information available on the extent to which these changes have entered the consciousness of the individuals they were designed to protect.

1.3.3 Institutional framework

If an individual wishes to pursue a claim against their employer because of an infringement of their employment rights, they are able to use the Employment Tribunal system. Employment Tribunals are independent judicial bodies, which determine disputes relating mainly to individual employment rights. Dealing with over 50 different types of complaint, including unfair dismissal, unlawful deduction of wages and breach of contract, they aim to provide speedy, accessible and relatively informal justice.[1] In addition, the Employment Appeals Tribunal (EAT) deals with appeals against Employment Tribunal decisions, based on points of law.

There are also several bodies which can assist individuals in finding out about and enforcing their employment rights. Sources of free legal advice include:

- The Advisory, Conciliation and Arbitration Service (ACAS) which plays a central role in the promotion of good industrial relations and is able to intervene in disputes to promote settlement. A copy of all claims that go to Employment Tribunal is sent to a conciliation officer at ACAS.
- Law Centres and Citizens' Advice Bureaux offer free advice and can provide further assistance such as completion of claim forms, but are not able to provide representation.
- a variety of telephone help-lines (*eg* that offered by the DTI on the National Minimum Wage) and specialist advice centres.

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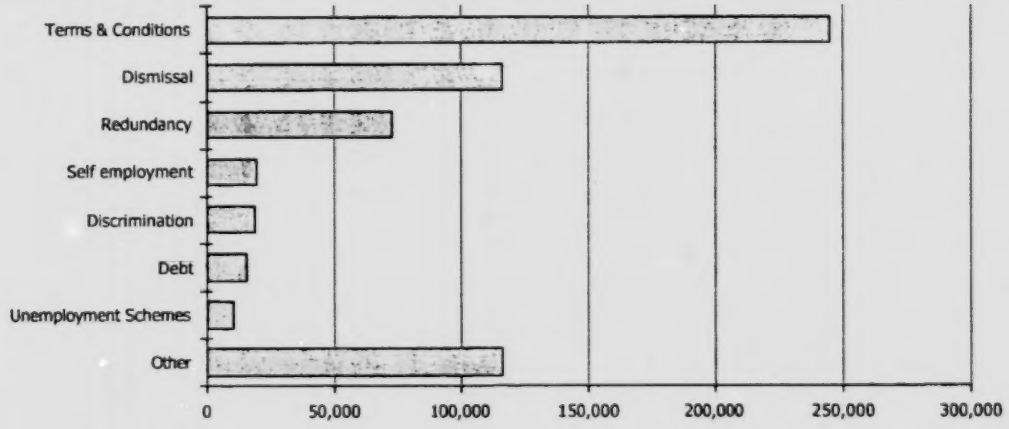
[1] For a fuller description of the role of Employment Tribunals, see: Employment Tribunals Service, *Annual Report and Accounts* 1999-2000, London, The Stationery Office.

Information from the nation-wide network of Public Enquiry Points run by ACAS suggests that the demand for information and advice is increasing (715,000 calls were handled in 1999/2000, compared with 508,000 in the previous year).[1] The National Association of Citizens' Advice Bureaux also notes an increase in the numbers of employment-related problems being brought to Citizens' Advice Bureaux, with 616,272 enquiries in 1998/9, an increase of six per cent from the previous year. A breakdown of the specific subjects of these enquiries is presented in Figure 1.1.

If an individual does decide to pursue a claim there are several potential sources of support or funding, which include:

- Legal Aid, which although not generally available for claims at Employment Tribunals, is available for two hours of free legal advice and assistance through the 'claim 10' form.
- Trade unions, which usually have funds set aside to assist members with employment disputes.
- The Commission for Racial Equality, which can help with claims based on race discrimination.
- The Equal Opportunities Commission, which can help with claims which fall under the Sex Discrimination Act or Equal Pay Act.
- The Disability Rights Commission, which can provide legal advice and support to individuals who believe they have been discriminated against because of a disability.

Figure : Breakdown of main Employment Problems presented to Citizens' Advice Bureaux during 1998/99



Source: NACAB Management Information

[1] Statistics are drawn from *ACAS Annual Report 1999-2000*, London, Advisory, Conciliation and Arbitration Service, October 2000.

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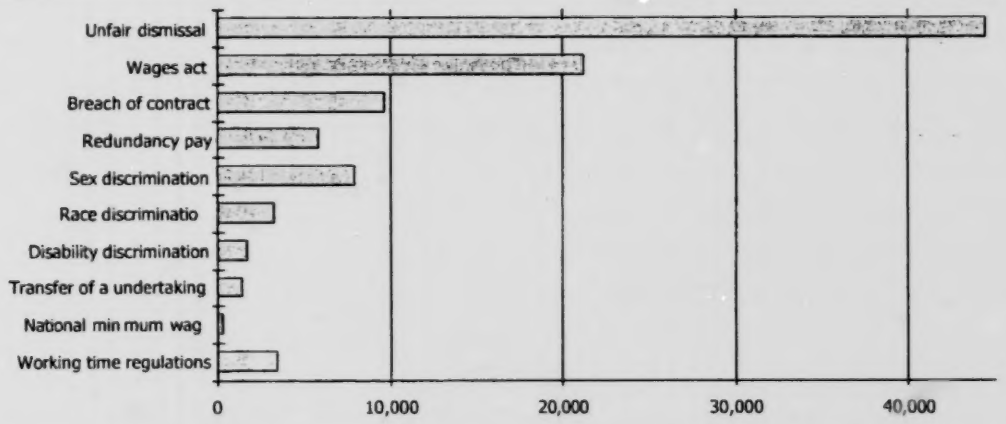
- The Health and Safety Commission, which can give assistance where the claim falls under the Health and Safety at Work Act, or in the context of any health and safety issue at work.
- Pressure groups, associations and *pro-bono* legal groups, who may be willing to support an individual, where the claim is felt to highlight a particular campaign or issue.

1.3.4 Tribunal applications

The role of the Employment Tribunal Service (ETS) is to carry out the administrative tasks necessary to enable applications to Employment Tribunals and appeals to the EAT to be determined. As part of their annual reporting procedures, the ETS provides statistics on the number of applications made to tribunals. Figure 1.2 presents the breakdown of ET applications by specific areas of employment law.

The number of tribunal applications has been rising in recent years (up from 91,913 in 1998/9 to 103,935 in 1999/2000), and over 83,000 cases were actually disposed of in 1999/2000. However, 46 per cent of cases brought were either withdrawn[1] or dismissed at the hearing. In November 2000, the Secretary of State for Trade and Industry announced proposals to reform the Employment Tribunal system. The changes are intended to discourage employees from bringing spurious claims, at the same time as ensuring that

Figure : Applications to Employment Tribunal by area of law concerned (1999/2000



Source: ETS Management Information

[1] It should be noted that this figure includes cases which have been privately settled without a hearing. It is not possible on the basis of the information available regarding private settlements to identify what proportion of these cases might have succeeded at tribunal. In settling, some employers may be acknowledging fault; equally others may believe they have acted properly but wish to avoid disruption and cost and potential publicity associated with a tribunal hearing.

reasonable tribunal claims are dealt with fairly and quickly. The new rules that have been suggested involve: a range of measures including: increased costs for unreasonable behaviour both of the applicant and their representative; added powers for tribunals to strike out claims which have no chance of success; and an increase in the deposit for pursuing a weak case or defence from £150 to £500.

The judgements made in presenting an application to tribunal will therefore need to be more carefully considered in future. Levels of general awareness, particularly in relation to what is and is not covered by the law, will be important in influencing the actions of individuals. Similarly, individuals will increasingly need to know where to turn for sound and professional advice.

1.3.5 Other evidence

Changing employee relations

The analysis of the *Workplace Employee Relations Survey* (WERS), as provided by *Britain at Work*[1], provides a picture of a changing world of employee relations. The election of a Conservative government in 1979 began a period of policy reform that restricted the activities of trade unions and weakened some parts of the framework of statutory employment protection. Employment legislation of the time was concerned with strengthening the position of employers in an attempt to promote free market forces. Such countervailing tendencies as occurred, were mainly influenced by developments in European legislation.[2]

Alongside these changes, there has been a significant and ongoing decline in trade union membership. Overall, union membership has fallen from a peak of 40 per cent in 1979, to 30 per cent in 1999. The patterns of membership differ according to a range of individual characteristics (*eg* men are more likely to be union members than women, full-time employees are more likely to be members than part-timers, employees of larger organisations and those in the public sector are more likely to be union members), but a greater percentage of individuals are affected by collective agreements (36 per cent of employees in autumn 1999) than those who claim union membership on an individual basis.[3]

There has also been a radical change in the pattern of workplace conflict. The analysis of successive *Workplace Employee Relations Surveys* shows that under the influence both of declining union

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1 Cully M, Woodland S, O'Reilly A and Dix G (1999), *Britain at Work*, London, Routledge.

2 See the discussion in Cully *et al.* (*op. cit.*), p. 219-200.

3 See: Hicks S (2000), 'Trade union membership 1998-99: an analysis of data from the Certification Officer and the Labour Force Survey', *Labour Market Trends*, July 2000, pp. 329-340.

representation and of the changing legislative environment, collective industrial action of any kind has virtually disappeared from British workplaces.[1] When this is considered alongside the increasing figures for Employment Tribunal[2] cases (nine per cent of workplaces were the subject of tribunal applications in 1990, compared with 13 per cent in 1998), it is evident that individuals are increasingly required to deal with any conflict they have with employers in a direct manner. Awareness and knowledge of legislation, or at least of the potential sources of advice on employment rights, are therefore crucial again for individuals in recognising and upholding their rights at work.

While it is too early to draw strong conclusions in this regard, it seems likely that the landscape of employee relations is again changing in the most recent period. We might note in this respect the breadth of employment law reforms undertaken by the current (post-1997) government. At the same time, there has been a reported rise in trade union membership from 1997 to 1998 of around 12,000 – the first increase since 1985.[3] However, given that the majority of the recent changes relate to individual rather than collective rights, these changes, if anything, reinforce the importance of individual awareness and knowledge of their employment rights.

Survey data on individuals' propensities to take action on employment issues

Survey work conducted by Genn[4] also provides relevant contextual data for the current study. Genn's survey examined the circumstances behind a range of 'justiciable'[5] disputes including money problems, housing issues and relationship/family matters. Employment accounted for six per cent of problems cited by respondents, giving an indicator of the prevalence of justiciable employment problems in the UK population. Additionally, the survey provided information about the characteristics of these employment problems. These data are presented in Figure 1.3.

Those individuals in the Genn survey who had experienced problems with employment law were likely to have higher levels

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1 See Cully *et al.* (*op.cit.*), p.245.

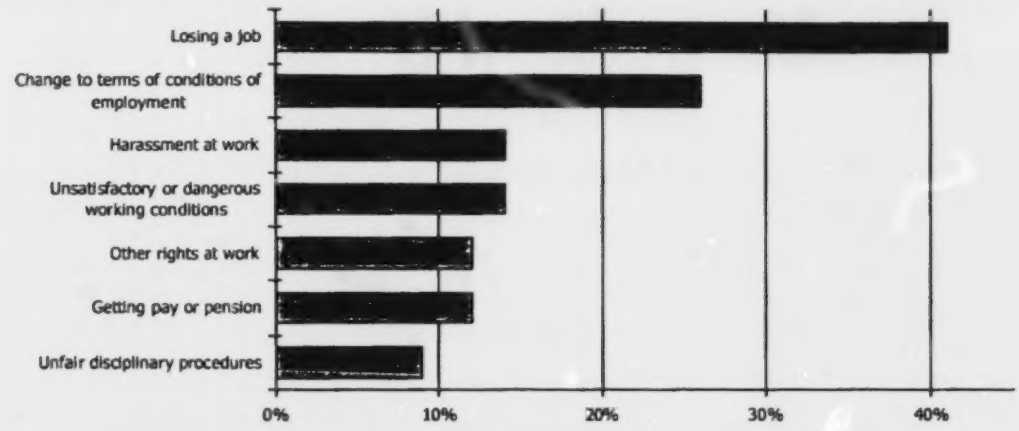
2 Employment Tribunals were known as 'Industrial Tribunals' prior to 1 August 1998.

3 Hicks (2000) *op. cit.*

4 Reported in Genn H (1999), *Paths to Justice: what people do and think about going to law*, Oxford, Hart Publishing.

5 Genn defined a 'justiciable event', as *'... a matter experienced by a respondent which raised legal issues, whether or not it was recognised by the respondent as being "legal" and whether or not any action taken by the respondent to deal with the event involved the use of any part of the civil justice system'*, Genn (1999), *op. cit.* p.12.

Figure 1.3: Breakdown of problems experienced by respondents since 1992



Notes: (1) One respondent can have experienced more than one problem.
(2) Base is those respondents reporting experience of an employment related problem.

Source: Genn, 1999

of education and home ownership than the sample as a whole. Respondents with employment problems also had a distinctive earnings distribution. About half had earnings at or below £20,000 which was similar to the overall sample, but far fewer had incomes of below £10,000 (17 per cent compared to 31 per cent of the overall sample). Men were also more likely to report having experienced problems, despite the sample containing more women than men overall.

Genn's work also provides some analysis of the factors involved in taking action in response to a justiciable problem. Of those who report experiencing a problem with employment law, seven per cent did nothing, 15 per cent resolved the issue themselves without outside advice, and 78 per cent obtained advice (a relatively high figure when compared to other areas of the law). Those individuals who did nothing were likely to feel that 'nothing could be done' or that it was 'not worth the trouble'.

Factors that were found to be associated with seeking advice about any kind of justiciable problem (not just those related to employment) included the respondent's:

- educational qualifications
- age
- income level
- gender
- attitude towards the legal system (*ie* whether they were confident of a fair hearing).

1.4 Research questions

From these data, a number of research questions emerge. A brief outline of how this study aims to tackle some of these questions is presented below:

- Individuals are likely to have differing levels of knowledge and/or awareness dependent on the aspect of law under examination. This research aims to examine these relationships in more detail and provide comparisons of individuals' awareness and knowledge of different 'groups' of rights.
- Individuals appear to access information about employment rights for a variety of reasons, and these also differ according to the area of law in question. This research examines the sources of advice that individuals use and looks for any patterns in the way these sources are used.
- It appears that some individuals are more likely to have experienced difficulties with employment law, dependent on their personal characteristics. This research aims to provide a breakdown of those individuals who have experienced difficulties with the law; their personal, job and employer characteristics and the area of law in which they perceive an infringement to have taken place.

Additionally, the study examines the extent to which differences in levels of knowledge and awareness can be attributed to individual characteristics.

1.5 Report structure and content

The findings from the survey are presented in the following eleven chapters.

Chapter 2 presents the conceptual foundations of the research, including an outline of what is meant by 'awareness' and 'knowledge' in the context of this research. It also presents a summary of the methodology (which is covered in more detail in Appendix 1) and an overview of the key characteristics of the sample (with fuller details in Appendix 2).

Chapter 3 presents an overview of respondents' awareness and knowledge of employment rights in general.

Chapter 4 examines the awareness and knowledge levels of the sample in more detail in relation to the legislation protecting 'work-life balance'.

Chapter 5 discusses the availability and take-up of the newer 'work-life balance' entitlements. This was a specific additional focus of the study in the light of the most recent legislation.

Chapter 7 reviews the sample's awareness and knowledge of rights relating to wages, terms and conditions (including the National Minimum Wage).

Chapter 8 describes the awareness and knowledge of the sample in relation to laws protecting workers from unfair dismissal.

Chapter 9 discusses respondents' awareness and knowledge of anti-discrimination legislation.

Chapter 10 presents the experiences of the sample, looking at whether they have encountered problems at work, what actions they have taken as a result, and (using hypothetical questioning) what actions they would take if they were to experience difficulties in the future.

Chapter 11 presents some conclusions regarding the key findings of the research and their implications.

Finally, the report contains:

A *Statistical Annex*, reporting some multivariate analysis of awareness variables; and four appendices:

- Appendix 1 contains details of the research methodology.
- Appendix 2 presents data summarising the personal and job-related characteristics of the sample.
- Appendix 3 provides fuller details of the responses to the hypothetical (scenario) questions used in the research.
- Appendix 4 contains the questionnaire used in the telephone survey.

2. Research Methodology and Approach to Measuring Awareness and Knowledge

This chapter presents an outline of the study's approach and methodology. We begin with a discussion of how the research instrument was designed[1] to capture different aspects of respondents' awareness and knowledge. We go on to provide summary details of the survey sampling approach, and key characteristics of the sample (fuller details of these are provided in Appendices 1 and 2).

2.1 'Awareness' and 'knowledge'

2.1.1 Definitions and classifications

Awareness vs knowledge

Throughout the report, we refer to the separate, but related, concepts of 'awareness' and 'knowledge'. It is important, therefore, clearly to define both terms, before discussing how the research instrument was designed to capture the two concepts. For the purposes of this research, the following operational definitions were used:

- **Awareness** occurs when an individual is sufficiently informed about a subject for him/her to be conscious of its existence and its broad subject matter. In this sense, awareness of an employment right or piece of legislation implies that the individual had heard of it, and had some idea of the area of working life to which it relates.
- **Knowledge** requires a theoretical or practical understanding of a subject. In this sense, knowledge of an employment right or piece of legislation implies that the individual could demonstrate some understanding of the detailed provisions of the legislation.

[1] During the design of the survey instrument, a number of agencies and organisations with relevant expertise in the area of employment rights were consulted. A full list of the agencies involved is provided in Appendix 1.

In the sense used here, therefore, knowledge is a 'stronger' concept than awareness. It is possible to demonstrate awareness without having any substantive knowledge of a subject, but not *vice versa*.

A key assumption of the research method is that it is possible to distinguish between awareness and knowledge, and the research instrument was constructed with this end in mind. As the existence of knowledge presumes awareness, the research instrument was designed to ensure that those without awareness did not answer knowledge questions. If a respondent was not aware of the existence of an employment right, they were not asked knowledge questions about that right.

Awareness/knowledge vs a general sense of entitlements

It was also important to ensure that the research instrument did not confuse awareness and knowledge of employment rights, on the one hand, with respondents' **general sense of entitlements**, perceptions of natural justice *etc.* on the other hand. While the research was also interested in the latter, and questions based on hypothetical scenarios were included in order to identify respondents' sense of fairness or justice in workplace behaviour (see Section 2.2 below), the scenarios also included questions to help distinguish such a broad sense from a specific awareness or knowledge of employment rights.

Self assessment of knowledge and awareness

In looking at both awareness and knowledge, it was seen as important to distinguish between:

- **respondents' own assessments** of whether they were aware of employment rights, and of whether they had any detailed knowledge of those rights; and
- **assessments based on answers to specific questions** about the rights in question.

Having both some evidence on respondents' assessments of their own awareness/knowledge and testable evidence on their actual levels of awareness/knowledge, is important for two reasons. First, by comparing the two, we can make some judgement about the reliability of individuals' assessment of their own awareness/knowledge levels. Second, in so far as awareness and/or knowledge influences behaviour, it may not only be verifiable levels of awareness/knowledge which are important. Individuals' own beliefs about the extent of their awareness/knowledge may also be an influence.

Informed awareness: prompted vs unprompted

A final distinction made in the research, when looking at actual or 'informed' awareness levels among respondents, was between prompted, partly prompted and unprompted awareness, representing, in a broad sense, increasing levels of awareness:

- By 'unprompted' awareness, we mean the extent to which a respondent could, without prompting, provide an example of an employment right or law.
- Respondents who could not themselves give such an example, were then given an example, and with this prompt, were asked if they could provide other examples. Being able to do so can be seen as 'partly prompted' awareness.
- Finally, respondents were given specific examples of employment rights and asked if they were aware of these rights. This is reported here as 'prompted awareness'.

2.1.2 What contributes to awareness and knowledge?

Drawing on psychological theories of knowledge acquisition[1], it is likely that the knowledge levels of our sample (and by association, their levels of awareness) will be dictated, at least in part, by respondents' levels of interest in the area of law in question or in employment law generally. Interest levels in turn are likely to be affected by a range of different factors, *eg* the personal characteristics, job role, occupational level and/or sector of the individual in question. These differences could be heightened by the additional factor of experience. In this context, interest in employment law may be stimulated by any employment-related difficulty the individual has experienced, whether directly as an employee or indirectly (*eg* as a manager or colleague of others).

This makes clear the importance of taking into account the personal and job-related characteristics of individuals when assessing their knowledge of such a specific, vocationally-related topic area. The questionnaire was designed to collect a range of information of this type (further detail is contained in Appendix 3) together with any experiences of or difficulties with employment law.

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[1] See, for example, Reeve C and Hakel M (2000), 'Toward an Understanding of Adult Intellectual Development: Investigating Within-Individual Convergence of Interest and Knowledge Profiles', *Journal of Applied Psychology*, 85(6), pp.897-908.

2.2 Operationalising definitions of awareness and knowledge

Having identified the main distinctions to be captured in the research instrument, it was necessary to operationalise these distinctions in terms of a series of questions.

A key design issue to be tackled was that any information given to the respondent, either as a prompt or as part of a question, might in turn affect the response of the individual. In short, it is difficult to ask respondents about an issue without leading them. A number of different questioning techniques were employed, with each one designed to assess a different level of awareness/ knowledge in line with the classification outlined in the previous section. Measuring knowledge was more straightforward than measuring awareness, as established, factual, questioning techniques exist for the former (*eg* multiple choice format questions).

In addition to the actual design of the questions, it was important that the **order** of the questions was structured to ensure that by answering one set of questions, respondents were not provided with the answers to the next. Table 2.1 below contains a summary of the different levels of awareness and knowledge and provides details of the questioning techniques used at each level and the order in which these questions were asked. It can be seen that three broad groupings of questions were used at different stages in the questionnaire (the questionnaire itself is provided in Appendix 4):

- The first group of questions was aimed at uncovering respondents' self-assessed levels of knowledge and awareness about employment rights in general.
- The second group of questions (which were asked repeatedly about a succession of specific employment rights) asked first about respondents' awareness of a specific employment right, starting with an unprompted question, and then moving through successive questions with increased levels of prompting. The precise route through the questions depended on the answers to preceding questions. Finally, for those with some awareness of the right in question, a set of questions was asked which were designed to test respondents' substantive knowledge of the provisions under consideration.

Table 2.1 Approaches adopted in the research to operationalise definitions of 'awareness' and 'knowledge'

Question order	Construct	Definitional approach	Questioning technique	Asked of:
1	Self-assessed awareness	Respondents assess their own general level of awareness of employment rights.	Respondents select from a range of options which describe how informed they feel about their generic rights at work.	All respondents
2	Self-assessed knowledge	Respondents assess their own knowledge/level of knowledge of employment rights in general.	Respondents select from a range of options which described how much they know about their rights at work.	All respondents, filtered according to their level of self-assessed awareness (as recorded in their response to question 1).
3	Unprompted awareness	Respondent is able to provide general information about a subject with no prompting.	Respondents are asked to provide an example of a law that protects their rights at work.	All respondents
4	Partly-prompted awareness	Respondent is able to provide information about an employment right, following a prompt giving an example.	Respondents are given an example of a law that protects their rights at work, and asked to give other examples.	Respondents unable to give an example of a law in response to question 3 (unprompted).
5	Prompted awareness	Respondent is able to answer a direct question about awareness of a particular right.	The interviewer describes, successively, a number of laws protecting rights at work, and the respondent is asked whether they were already aware of them.	All respondents
6	Substantive knowledge	Respondent is able to provide specific information about a particular area as a response to direct questioning.	Respondents are asked to provide the correct answer to a question about a particular employment right, either from a range of possible options given by the interviewer, or as a response to an open question about that right.	Respondents who say (in response to question 5) that they were aware of the law in question, or who were not sure if they were aware of it.
7	Perception of entitlements	Respondent indicates some perception or sense of lawfulness of a situation, but is not required to demonstrate awareness.	Interviewer describes a hypothetical situation (scenario) to the respondent, who is asked to make a judgement about whether it is lawful or not.	All respondents (each respondent is randomly aske a subset of the scenario questions).
8	Extent to which perceptions of entitlements reflect awareness/knowledg that particular circumstances are covered by an employment right or provision.	Respondent is able to provide information about an employment right, following a prompt.	Interviewer asks (in the context of a hypothetical situation or scenario) in what way the respondent thinks that employment rights have been infringed.	Respondents who state that employment rights have bee infringed in response to question 7 (scenario).

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- The third group of questions was based on a set of hypothetical situations (or 'scenarios'). In these questions, respondents were asked to assess the 'lawfulness' of a situation (*ie* whether or not they believed the situation as described was lawful)[1]. The situation was described as happening to someone else, in order to make the situations as broadly applicable as possible. The questions were designed to provide an illustration of an individual's sensitivity to particular aspects of the law. Those who perceived an infringement of the law, in response to the question, were then asked for details of the way in which the law had been infringed. It should be stressed that these questions were designed with two purposes: first, to indicate how far respondents' perceptions were based on a real awareness or knowledge of the law in question (rather than say, a simple perception of 'natural justice' or 'fairness'); and second (see 2.3 below) to assess the extent and manner in which respondents felt they would enforce these perceived rights. It should also be noted that although all the scenarios[2] were designed to depict events likely to constitute a breach of statutory provision, all cases are, in practice, decided on the facts at an employment tribunal.

2.3 Exercise of rights

It was anticipated, on the basis of previous research[3], that the proportion of the sample who would have faced actual or potential violations of their employment rights would be relatively small (and the proportion who had experience of taking action as a result, even smaller). It was therefore seen as important to understand how respondents would act in situations where they felt their rights had been infringed in some way.

The scenario questions were therefore also used to identify such propensities to act. Thus, moving beyond issues of awareness and knowledge, respondents who identified (in response to the scenario questions) particular situations as unlawful were then asked a series of questions about whether they themselves would take

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1 Due to time constraints in the interview, the scenario questions were randomly rotated between respondents, such that each respondent was asked three out of a possible 15 scenario questions.

2 In the case of two of the scenarios, in particular (those relating to dismissal on grounds related to age and sexual orientation – see Chapter 9), there is perhaps greater ambiguity in their interpretation. The scenarios were designed to depict a potential breach of unfair dismissal legislation, but there is also a possibility that respondents will see them in terms of anti-discrimination legislation (although currently, there is no statutory provision covering discrimination on grounds of age or sexual orientation.

3 In particular, Genn (1999) *op. cit.*

action in similar situations, and what kind of action they would take.

2.4 Grouping of legislation

Employment-related legislation was grouped into five generic categories for ease of reference, and the questionnaire designed around these categories. The categories used were:

- the law relating to issues of 'work-life balance' (including laws on maternity rights, parental leave and emergency leave for dependants)
- legislation relating to working time (including legislation such as the Working Time Directive)
- legislation concerned with terms and conditions of employment (including contracts of employment, statements of employment *etc.*)
- the law protecting individuals from unfair dismissal
- anti-discrimination law (including the Disability Discrimination Act, Race Relations Act, Sex Discrimination Act and the Equal Pay Act).

Within each of these categories, the questionnaire attempted to cover a range of legislation, but it was not possible to include questions on every aspect of the law. In particular legislation related to collective agreements and health and safety was not included in the questionnaire.

2.5 Survey methodology

The survey data were collected during June and July 2000, using computer-assisted telephone interviewing. The sampling method for these interviews used:

- randomly selected household telephone numbers (across Great Britain)
- a random selection of eligible individuals from within households
- weighting of the achieved sample against Labour Force Survey (LFS) data, to ensure that the data used were representative of the relevant population on a national scale.

A thousand completed interviews were achieved. Further details of the survey methodology, response rates *etc.* are provided in Appendix 1.

2.6 Survey respondents

In this section we provide a few summary statistics[1] looking at respondents' occupations, working time patterns, contractual status and trade union membership, and how these vary with some key personal characteristics such as gender, education and age. This group of variables is used extensively throughout the report (along with others of relevance to the particular topic being analysed) in our analysis of how the various measures of awareness and knowledge of employment rights vary with the personal and employment characteristics of respondents.

Table 2.2 shows the familiar occupational differences by gender, with men in the sample slightly over-represented in managerial and professional/associate professional occupations, and more strongly over-represented in craft, semi- and unskilled manual occupations. Women, on the other hand, are significantly concentrated in clerical and secretarial occupations, personal and protective services and sales jobs. The table also shows a clear relationship between occupational level and educational attainment. Those in managerial and (especially) professional occupations are more likely than any other occupational groups to be educated to NVQ Level 5 or equivalent, while those in

Table 2.2: Survey respondents by occupation, gender and educational level

Occupation (SOC)	Gender (%)		Highest qualification (NVQ equivalent) (%)						
	Male	Female	No qual.	NVQ1	NVQ2	NVQ3	NVQ4	NVQ5	Don't know
Managers/administrators	18.0	16.3	11.3	12.5	17.0	7.2	25.2	23.2	12.5
Professional/technical	15.3	12.3	2.1	4.5	6.6	19.0	20.6	37.7	—
Associate professional/technical	10.2	9.7	6.2	6.8	8.0	5.9	16.1	11.6	25.0
Clerical/secretarial	6.3	23.9	10.3	22.7	16.0	11.8	12.6	8.7	12.5
Craft/skilled manual workers	16.4	5.0	13.4	12.5	14.2	18.3	5.9	5.8	—
Personal and protective service	6.3	12.8	11.3	9.1	11.8	8.5	7.3	1.4	12.5
Sales	5.6	12.5	7.2	5.7	11.5	13.1	5.2	5.8	12.5
Plant and machine operatives	11.6	2.6	17.5	19.3	4.2	12.4	2.8	4.3	—
Other unskilled jobs	8.1	4.3	18.6	5.7	9.4	3.9	1.7	—	25.0
Don't know/refused	2.1	0.7	2.1	1.1	1.4	—	2.4	1.4	—
Unweighted base (n = 100%)	444	556	150	96	221	173	283	66	11

Note: some qualifications (eg recognised trade apprenticeships, Certificate of Sixth Year Studies, other professional, vocational or foreign qualifications) require more information to allocate them to NVQ Level 2 or NVQ Level 3. For consistency, therefore, they have been allocated to NVQ Levels 2 in the table above. 'Other qualifications' have been coded according to LFS guidelines across NVQ Levels 1, 2 and 3.

[1] Throughout the report percentages in tables are weighted, although we also show the un-weighted total sample numbers in each table.

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operative and other unskilled jobs are more likely than any other groups to have no qualifications.

Table 2.3 makes clear the extent to which women are more likely to work part-time than men.

Table 2.4 shows that men in the sample are more likely to be found in permanent employment than women, and that while there is some tendency for the likelihood of permanent employment to increase with educational level, the pattern is not a clear-cut one.

Table 2.3: Working time patterns by gender

Normal weekly (contracted) hours	Gender	
	Male (%)	Female (%)
1-16	2.1	10.0
17-34	4.8	25.1
35 or more	93.1	64.9
Don't know/refused	—	—
Unweighted base (n = 100%)	444	556

Table 2.4: Permanent or temporary work by gender and educational level

Permanent/ temporary job	Gender (%)		Highest qualification (NVQ equivalent) (%)						
	Male	Female	No qual.	NVQ1	NVQ2	NVQ3	NVQ4	NVQ5	Don't know
Permanent job	87.5	82.9	93.9	87.4	89.5	77.1	85.0	76.5	88.9
Temporary job	10.6	16.4	4.1	11.5	9.1	22.9	12.9	22.1	11.1
Don't know/refused	1.9	0.7	2.0	1.1	1.4	—	2.1	1.5	—
Unweighted base (n = 100%)	444	556	150	96	221	173	283	66	11

Finally, Tables 2.5 and 2.6 look at trade union membership patterns in the sample. Men are slightly more likely than women to be trade union members (Table 2.5), and those with low or no qualifications are most likely to be members (this, in turn, is likely to reflect the variation in occupational patterns by educational level, as shown in Table 2.2 above). Once again, however, the relationship with educational level is not a clear-cut one, and the lowest rates of union membership are found among those with intermediate qualifications (NVQ2 or NVQ3 or equivalent) .

Trade union membership in the sample increases significantly with age up to the 46-55 age group, after which it declines to just under 30 per cent (Table 2.6).

Table 2.5: Trade union membership by gender and educational level

Union membership status	Gender (%)		Highest qualification (NVQ equivalent) (%)						
	Male	Female	No qual.	NVQ1	NVQ2	NVQ3	NVQ4	NVQ5	Don't know
Trade union member	30.0	27.8	33.7	48.9	22.7	23.0	30.4	29.4	44.4
Staff association member	1.9	1.7	—	1.1	2.1	0.7	1.7	7.4	—
Not a member	63.1	69.1	63.3	48.9	71.3	76.3	62.2	60.3	55.6
Don't know/refused	4.9	1.4	3.1	1.1	3.8	—	5.6	2.9	—
Unweighted base (n = 100%)	444	556	150	96	221	173	283	66	11

Table 2.6: Trade union membership by age

	Age (%)					
	16-25	26-35	36-45	46-55	56-64	Don't know
Trade union member	7.8	20.1	35.7	46.2	28.8	20.0
Staff association member	0.7	0.4	2.6	3.1	4.1	—
Not a member	87.9	75.6	56.5	49.3	65.8	80.0
Don't know/refused	3.5	3.9	5.2	1.3	1.4	—
Unweighted base (n = 100%)	139	273	276	228	81	3

A fuller breakdown of the characteristics of survey respondents including a range of other personal characteristics and characteristics of the jobs they do can be found in Appendix 2 at the end of the report.

2.7 Statistical significance

For the most part, the results presented in this report are based on simple bivariate cross-tabulations of survey variables (although some multivariate analysis is also presented in the Statistical Annex (Chapter 12). We have not presented all possible relationships between the relevant variables in the tables in the report. The crosstabulations selected for inclusion in the report have been chosen according to three criteria:

1. That there is a relationship between the relevant variables (although in some cases we have also included findings which show that there is no relationship, particularly in cases where such a relationship might be expected, *a priori*, to exist).
2. That the relationship is statistically significant at conventional levels (we have taken a cut-off of 95 per cent significance in a 2-sided test, although most of the findings presented are significant at a higher level of significance).

3. That there is some theoretical reason to expect a relationship between the variables considered.

3. General Awareness and Knowledge of Employment Rights

Key findings:

Nearly 70 per cent of the sample assessed themselves as well informed or very well informed about employment rights in general. A quarter of the sample felt that they did not need to know more than they already did, whereas half felt they would like to know more.

Almost half of the respondents were able to name at least one employment law or entitlement without prompting. Following an example of an employment right being given, this increased to almost two-thirds. The most common examples given were related to working time, health and safety and discrimination.

Those who assess themselves as generally well informed or knowledgeable, are also more likely in practice to be able to name an employment law or right, suggesting that there is a positive correlation between respondents' assessment of their own awareness/knowledge levels, and their actual levels of awareness. Similarly, those who regard themselves as well-informed or knowledgeable are able to cite, on average, a larger number of rights, than those who do not see themselves in this way.

In response to direct questions about whether respondents were aware of five specific groups of employment rights (relating to parental leave, Working Time Directive, National Minimum Wage, non-discrimination, and unfair dismissal), awareness of the National Minimum Wage was the most widespread (91 per cent), and parental leave the least (52 per cent). Over three-quarters of respondents were aware of four or more of these rights when provided with a direct prompt, however. Again, there is a positive relationship between individuals' own assessment of their awareness/knowledge levels, and the number of rights of which they claim awareness when prompted.

Looking at personal characteristics:

- **Women** generally assess their awareness/knowledge as higher than men. In practice, however, men are more likely to demonstrate informed awareness (*eg* by naming an employment right).
- **Non-white** individuals are slightly less confident in their self-assessed levels of awareness/knowledge, but their actual pattern of informed awareness is very similar to that of their white counterparts.

- Levels of informed awareness peak in the **36-45 age group**, and among those with the highest levels of qualification.

As far as variations by job characteristics are concerned:

- Those in **managerial and professional occupations** have the highest levels of self-assessed awareness/knowledge, and the highest levels of informed awareness in practice.
- Higher levels of both self-assessed awareness/knowledge and informed awareness are found in the **public administration**, education and health sectors, and in **business and financial services**.
- **Permanent employees** have higher levels of self-assessed awareness/knowledge than temporary staff, and higher actual levels of informed awareness.
- Similarly, **union members** believe themselves to have higher levels of awareness/knowledge and this belief is reflected in higher levels of informed awareness.

Respondents with experience of employment problems at work tend to assess themselves as having lower than average levels of awareness/knowledge about employment rights, but their level of informed awareness (as tested by their ability to name such rights) is actually higher than average.

This chapter introduces the study's findings by providing a breakdown of individuals' responses to generic questions about their employment rights (later chapters examine specific 'groups' of rights). In particular, the chapter examines the relationships between individuals' perceptions of their own levels of awareness and knowledge on the one hand, and actual levels of awareness on the other, as assessed by a range of questioning techniques (see Section 2.2 above for more details of the types of questions used here).

3.1 Awareness and knowledge — a summary

The research brief for this study emphasised the need to establish the extent to which individuals were aware of their rights at work, at the broadest level. The research also sought to distinguish between those with simply an awareness or 'sense' of their entitlements and those who had specific knowledge of their rights.

Awareness can be said to be a pre-requisite of knowledge if, for substantive knowledge to exist, an individual must be aware of that area of law. The questionnaire was designed to test awareness of each specific topic (*ie* each specific group of rights) before moving on to test knowledge. Individuals who were unable to demonstrate 'awareness', in this sense, were filtered out of subsequent knowledge questions. This design was implemented in order to reduce the number of individuals making uninformed guesses to the specific knowledge testing questions, which were a mixture of multiple choice and open questions. For a fuller

discussion of this issue and the way in which awareness and knowledge have been conceptualised in this study, see Section 2.1.

3.2 Self-assessed awareness and knowledge

The first test of an individual's awareness was their response to the question:

> *'Very generally, how well informed do you feel about your rights at work?'*

Four response options were available. The results are presented in Table 3.1. As this demonstrates, the majority of the sample (almost 70 per cent) believed themselves to be very well or well informed.

Dependent on their response to the question on self-assessed awareness, respondents were then asked one of two questions designed to test their levels of self-assessed knowledge. Each question had three response categories. Details of the filtering and the overall responses are presented in Table 3.2. Approximately one-quarter of the sample felt that they did not need to know more than they already did, whereas half felt they would like to know more.

Table : How well informed do you feel about your rights at work

Self-assessed awareness	%
a) Very well informed	12.0
b) Well informed	56.7
c) Not very well informed	25.0
d) Not well informed at all	6.4
Unweighted base (n = 100%)	1,000

Table 3.2: Respondents' self-rated knowledge of employment rights

Response to self-assessed awareness question	Self-assessed level of knowledge	%
Very well informed or well informed	i) I know a lot about my rights at work	17.0
	ii) I could know more and would like to be able to find out more	30.0
	iii) I could know more but don't feel I need to	21.6
Not very well informed or not well informed at all	iv) I don't know much but I know where to go for advice	9.3
	v) I don't know nearly enough and would like to know more	19.2
	vi) I don't know much and am not interested	2.8
Unweighted base (n = 100%)		1,000

By combining the responses to these two sets of questions, a single measure of an individual's self-assessed awareness and knowledge was produced. The way this variable was constructed and the distribution of respondents across the variable is presented in Table 3.3. As the figures demonstrate, over half the sample fall into the *'well informed but could know more'* category.[1]

Table : Levels of sel assessed awareness and knowledge in combination

Responses used to construct category		Level of awareness/knowledge	%
Self-assessed awareness	Self-assessed knowledge		
a or b	i	Well informed and knowledgeable	17.0
	ii or iii	Well informed but could know more	51.6
c or d	iv or v	Not well informed and could know more	28.6
	vi	Not well informed and not interested	2.8
		Unweighted base (n = 100%)	1,000

3.3 Informed awareness

Having examined respondents' own self-assessment of their levels of awareness and knowledge about employment rights, they were asked a set of questions which aimed to test their levels of informed awareness. The questions were designed to elicit three different levels of informed awareness – unprompted, partly prompted and fully prompted (see Section 2.1.1 above).

3.3.1 Unprompted/partly prompted awareness

Respondents were asked:

> *'Can you tell me of any laws that protect your rights at work?'*

If at this point they were unable to do so, respondents were provided with a prompt, which was an example of an entitlement:

> *'For example, one law is that you are entitled to a written statement of your terms and conditions of employment.'*

The same prompt was provided to all respondents who were unable to name a right unprompted. The responses to these questions are presented in Table 3.4. As this table demonstrates, almost half of the respondents were able to name at least one law or entitlement without prompting. Following a prompt, this increased to almost two-thirds.

[1] For simplicity, the combined variable is used throughout the rest of this report to summarise our findings on self-assessed awareness and knowledge.

Table.3.4: Unprompted and partly prompted awareness?

Level of awareness	%
Named a law/right without any prompting	49.4
Named a law/right after an example given	14.4
Could not name a law/right	36.2
Unweighted base (n = 100%)	1,000

It is also interesting to note the areas of law that individuals provided as evidence of their informed awareness. Table 3.5 presents the breakdown of these answers, combining both partly prompted and unprompted responses. As this table shows, the most common responses (by some margin) were examples of legislation relating to working time, health and safety and discrimination.

Table 3.5: Type of law named as evidence of informed awareness (for both unprompted and partly prompted responses)

Employment right/law	Respondents citing right/law (as % of all respondents)
Working Time Directive	24.4
Health and safety	23.6
Anti discrimination legislation	22.1
Redundancy	6.1
National Minimum Wage	5.6
Maternity rights	4.0
Time off for emergencies	3.4
Written contract/terms and conditions	1.3
Factories/railways acts	1.2
Paternity Leave	1.2
Unfair Dismissal	1.1
Parental Leave	0.9
Employment Act	0.9
Statutory Sick Pay	0.6
Data Protection Act	0.4
Trade union rights	0.4
Employment Rights Act	0.2
Other	3.9
Unweighted base (n = 100%)	1,000

Note: Percentages provided relate to the number of individuals citing each type of law. As individuals were able to cite more than one law/right, these do not sum to 100 per cent.

3.3.2 Prompted awareness of specific rights

Individuals were asked a series of questions about five different areas of law. Each question began by providing details of a specific right/entitlement in one of the areas, then asked the respondent:

'Were you aware of this right?'

The responses to these questions are displayed, by the area of rights concerned, in Table 3.6. From this table it appears that levels of prompted awareness vary considerably by the specific right concerned. In particular, awareness among the sample of the National Minimum Wage is the most widespread of the five rights covered, and awareness of parental leave the least widespread.

Table : Prompted awarenes

Area of rights	Specific legislation/right	Aware of right? Yes (%)	Don't know (%)	No (%)	Unweighted base (n = 100%)
Work-life balance	Parental leave	51.8	47.9	0.3	1,000
Working time	Working Time Directive	72.2	25.3	2.5	1,000
Terms and conditions	National Minimum Wage	96.3	3.6	0.1	1,000
Anti discrimination legislation	Generic right not to be discriminated against	90.8	8.6	0.5	1,000
Unfair dismissal	Right not to be unfairly dismissed	90.0	9.2	0.8	1,000

As all respondents were asked the prompted awareness questions, it is also possible to produce a composite variable of prompted awareness by adding together the number of prompted awareness questions to which the individual responded 'yes' - with a maximum score of five. The breakdown of this composite variable is presented in Table 3.7. Over three-quarters of respondents were aware of four or more rights when provided with a direct prompt.

Table : Prompted awareness 'scores

Score (number of laws/rights respondent is aware of: max = 5)	% of respondents
0	0.1
1	1.4
2	7.2
3	16.1
4	38.8
5	36.4
Unweighted base (n = 100%)	1,000

3.4 Informed awareness compared with self-assessed awareness and knowledge

This section presents comparisons between respondents' self-assessed levels of awareness/knowledge and their actual levels of informed awareness as measured by:

- whether or not respondents could name an employment law or right
- how many such laws/rights they could identify (unprompted or partly prompted), and
- how many of the five specific examples they could give (when prompted).

The first comparison is that between self-assessed awareness and whether respondents could name an employment law or right. This is presented in Table 3.8, and confirms that those who assess themselves as generally well informed, are also more likely in practice to be able to name an employment law or right, suggesting that there is some correlation between respondents' assessment of their own awareness levels, and their actual levels of awareness. Thus, at one extreme over 70 per cent of those who regard themselves as well informed or very well informed could name a law or right, compared with only just over half this proportion who regarded themselves as 'not well informed at all'.

When this same comparison is made with levels of self-assessed awareness/knowledge combined (see Table 3.9) a similar relationship is in evidence.

In response to the informed awareness questions, individuals were asked to name as many rights as they could. The breakdown of how many rights individuals were able to name (unprompted or partly prompted) is presented in Table 3.10, and compared with their self-assessed awareness. Once again, there is a clear relationship in the expected direction, with those who regard themselves as well-informed or very well-informed able to cite, on

Table : Sel assessed awareness, by level of informed awarenes

	Self-assessed awareness			
Level of informed awareness	**Very well informed (%)**	**Well informed (%)**	**Not very well informed (%)**	**Not well informed at all (%)**
Named a law/right without prompting or after an example given	70.3	70.4	50.6	36.5
Could not name a law/right	29.7	29.6	49.4	63.5
Unweighted base (n = 100%)	125	561	243	71

Table : Sel assessed awareness/knowledge combined by level of informed awarenes

Level of informed awareness	Self-assessed awareness/knowledge: Well informed and knowledgeable (%)	Well informed but could know more (%)	Not well informed and could know more (%)	Not well informed and not interested (%)
Named a law/right without prompting or after an example given	76.2	68.5	48.6	39.3
Could not name a law/right	23.8	31.5	51.4	60.7
Unweighted base (n = 100%)	187	499	287	27

Table 3.10: Self-assessed awareness, by number of rights named

Number of rights named	Self-assessed awareness: Very well informed (%)	Well informed (%)	Not very well informed (%)	Not well informed at all (%)
0	29.9	29.6	49.4	63.5
1	35.9	38.2	34.8	31.7
2	23.1	23.4	12.6	
3	6.8	6.3	2.8	4.8
4	1.7	1.4	0.4	
5	0.9	0.7		
6		0.4		
7				
8	1.7			
Unweighted base (n = 100%)	125	561	243	71

average, a larger number of rights, than those who saw themselves as not very well informed, or not well informed at all.

Similarly, when this same comparison is made for the self-assessed awareness/knowledge combined variable, the same pattern emerges, as shown in Table 3.11.

The third comparison made is between prompted awareness scores (how many of the five specified rights/laws respondents were aware of) and levels of self-assessed awareness. As Table 3.12 shows, individuals who rated themselves as very well or well informed, are also likely to receive a higher prompted awareness score. However, these data are unable to determine the causal nature of the relationship, *ie* whether individuals who perceive themselves as more aware are more likely to respond positively to

Table 1 : Sel assessed awareness/knowledge combined, by number of rights name

Number of rights named	Self-assessed awareness/knowledge combined			
	Well informed and knowledgeable (%)	Well informed but could know more (%)	Not well informed and could know more (%)	Not well informed and not interested (%)
0	23.8	31.5	51.4	58.6
1	39.3	37.2	35.1	27.6
2	26.2	22.5	9.9	10.3
3	5.4	6.7	3.2	3.4
4	1.8	1.4	0.4	
5	2.4	0.4		
6		0.4		
7				
8	1.2			
Unweighted base (n = 100%)	187	499	287	27

Table 3.12: Self-assessed awareness, by prompted awareness score

Score (number of laws/rights respondent is aware of: max = 5)	Self-assessed awareness			
	Very well informed (%)	Well informed (%)	Not very well informed (%)	Not well informed at all (%)
0			0.4	
1	0.8	0.9	1.6	6.3
2	3.4	5.2	13.8	6.3
3	12.7	12.1	22.3	31.7
4	26.3	40.6	40.1	41.3
5	56.8	41.2	21.9	14.3
Unweighted base (n = 100%)	125	561	243	71

prompts or vice versa, or whether other factors (*eg* general levels of personal confidence) are responsible.

When prompted awareness scores are compared with self-assessed awareness/knowledge combined, the results are very similar, however, the group falling into the category: *'not well informed and not interested'* appear to score higher on the prompted awareness scale than might be expected (see Table 3.13). Specifically, over 30 per cent score the maximum five, compared to only 19 per cent of those in the category: *'not well informed and could know more'*. However, it should be noted that this is a relatively small group (only 27 respondents in the unweighted sample in total) so caution should be exercised in drawing conclusions from this finding.

Table 1 : Sel assessed awareness/knowledge combined by prompted awareness scor

Score (number of laws/rights respondent is aware of: max = 5)	Self-assessed awareness/knowledge combined: Well informed and knowledgeable (%)	Well informed but could know more (%)	Not well informed and could know more (%)	Not well informed and not interested (%)
0			0.4	
1	0.6	1.0	2.5	3.4
2	3.6	5.3	12.8	6.9
3	11.3	12.5	24.2	27.6
4	30.4	40.8	40.9	31.0
5	54.2	40.4	19.2	31.0
Unweighted base (n = 100%)	187	499	287	27

3.5 Individual characteristics and levels of awareness/ knowledge

In this section, the individual characteristics of respondents are examined for any emerging patterns against two key variables:

- levels of self-assessed awareness and knowledge (using the combined variable defined in Table 3.3 above), and
- levels of informed awareness (measured by whether or not the individual can name any employment right or law, unprompted or partly prompted).

3.5.1 Personal characteristics

Table 3.14 gives a breakdown of self awareness/knowledge (combined) by personal characteristics. Table 3.15 does the same for informed awareness. A comparison of the two tables, therefore, enables us to see how groups differ in relation to their own assessments of their levels of awareness/knowledge on the one hand and a more impartial assessment of these levels, namely informed awareness, on the other hand.

The results of these comparisons are as follows:

- *Gender*: women generally assess their awareness/knowledge as higher than men (in particular, they are more likely to regard themselves as well informed and knowledgeable). In practice, however, men are more likely to demonstrate informed awareness.
- *Ethnic origin*: non-white individuals appear slightly less confident in their self-assessed levels of awareness/

knowledge, but their actual pattern of informed awareness is very similar to that of their white counterparts.

- *Age*: there is no clear pattern of self-assessed awareness/ knowledge with age, although generally speaking confidence appears to be higher among older respondents. Levels of informed awareness, however, peak in the 36-45 age group, with those in the youngest and oldest groups the least informed.
- *Qualification levels*: there is no clear strong pattern of self-assessed awareness/knowledge by qualification. Informed awareness, however, is highest among those with the highest levels of qualification (NVQ 4 or 5 or equivalent), and lowest among those with no qualifications.

Table 3.14: Self-assessed awareness, by personal characteristics

Personal characteristic	Self-assessed awareness/knowledge combined				
	Well informed and knowledgeable	Well informed but could know more	Not well informed and could know more	Not well informed and not interested	Unweighted base (n = 100%)
Gender (%)					
Male	13.8	54.9	27.3	4.1	444
Female	21.3	47.4	30.1	1.2	556
Ethnic origin (%)					
White	17.6	51.7	27.7	2.9	949
Non-white	5.6	53.7	38.9	1.9	45
Age (%)					
16-25	12.1	48.2	36.9	2.8	139
26-35	17.6	48.7	29.4	4.3	273
36-45	14.4	54.1	30.4	1.1	276
46-55	22.1	53.2	23.0	1.8	228
56-64	17.8	53.4	20.5	8.2	81
Highest qualification (%)					
No qualifications	17.3	50.0	27.6	5.1	150
NVQ 1	15.9	55.7	23.9	4.5	96
NVQ 2	19.2	46.0	33.1	1.7	221
NVQ 3	17.0	46.4	35.3	1.3	173
NVQ 4	15.0	59.1	22.7	3.1	283
NVQ 5	18.8	50.7	26.1	4.3	66

Note: all percentages are row percentages.

Table 3.15: Informed awareness, by personal characteristics

Personal characteristic	Informed awareness: Named a law/right without prompting or after an example given	Informed awareness: Could not name a law/right	Unweighted base (n = 100%)
Gender (%)			
Male	67.2	32.8	444
Female	58.1	41.9	556
Ethnic origin (%)			
White	63.5	36.5	949
Non-white	61.1	38.9	45
Age (%)			
16-25	53.9	46.1	139
26-35	59.1	40.9	273
36-45	71.1	28.9	276
46-55	68.3	31.4	228
56-64	55.6	44.4	81
Highest qualification (%)			
No qualifications	35.7	64.3	150
NVQ 1	62.5	37.5	96
NVQ 2	60.3	39.7	221
NVQ 3	60.1	39.9	173
NVQ 4	73.4	26.6	283
NVQ 5	83.8	16.2	66

Note: all percentages are row percentages.

3.5.2 Employment characteristics

In this section, we look at how self-assessed awareness/ knowledge and informed awareness vary with the characteristics of the respondent's employment (adopting the same approach as was used for personal characteristics in Section 3.5.1).

The results are presented in Tables 3.16 and 3.17, and the main findings are as follows:

- *Occupation*: patterns by occupation are likely, in part, to reflect patterns by educational level (see also the multivariate analysis in the Statistical Annex). Unsurprisingly, those in managerial and professional occupations had the highest levels of self-assessed awareness/knowledge, and also the highest levels of informed awareness in practice. At the other end of the spectrum, those in craft and other skilled manual,

personal and protective services, and other unskilled groups, gave themselves the lowest ratings of awareness/knowledge, and a similar pattern was reflected in their actual levels of informed awareness.

- *Sector:* the highest proportions who see themselves as both well informed and knowledgeable are to be found in the public administration, education and health sectors and in the business and financial services. These patterns are also reflected in the levels of informed awareness, which are higher than average in these sectors.
- *Size of workplace*[1]: there is no clear pattern with regard either to self-assessed levels of awareness/knowledge or to informed awareness. However, those at large workplaces (500-plus employees) demonstrated the highest levels of informed awareness in practice.
- *Employment status*: permanent employees believe themselves to have higher levels of awareness/knowledge than their counterparts with temporary positions and this is reflected in their actual levels of informed awareness.
- *Working hours*: there is no clear pattern of variation in levels of self-assessed awareness/knowledge by working time, but full-time employees working over 35 hours per week have the highest levels of informed awareness in practice.
- *Union membership*: union members believe themselves to have higher levels of awareness/knowledge and this belief is also reflected in their actual levels of informed awareness.

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[1] Note: although information was collected on both workplace (establishment) and organisation (enterprise) size, many respondents (in multi-site organisations) could not estimate the size of their organisation, and we have, therefore, in most of the analysis, used the workplace-based variable.

Table 3.16: Self-assessed awareness, by employment characteristics

Employment characteristic	Self-assessed awareness/knowledge combined				
	Well informed and knowledgeable	Well informed but could know more	Not well informed and could know more	Not well informed and not interested	Unweighted base (n = 100%)
Occupation (%)					
Managerial/admin	20.9	57.6	19.8	1.7	183
Professional/technical	23.6	47.9	27.1	1.4	196
Assoc. professional/technical	18.6	47.4	32.0	2.1	96
Clerical/secretarial	16.8	50.4	28.5	4.4	158
Craft/skilled manual	9.6	40.4	43.0	7.0	84
Personal/protective services	12.2	55.6	32.2		71
Sales	17.6	61.2	20.0	1.2	69
Plant/machine operatives	18.4	59.2	21.1	1.3	28
Other unskilled	12.5	45.3	39.1	3.1	101
Sector (%)					
Primary & extractive	*	61.1	27.8	0.0	21
Manufacturing, utilities & constr.	12.1	57.6	28.8	1.6	198
Distribution, catering, transport *etc.*	18.4	46.9	30.5	4.2	234
Business and financial services	22.3	47.9	26.6	3.2	99
Public admin, education and health	22.6	52.2	23.0	2.2	313
Other services	18.3	53.3	25.0	3.3	68
Size of workplace (no. of employees) (%)					
Under 15	19.0	49.7	27.2	4.1	173
15-49	16.1	43.7	38.5	1.7	198
50-199	21.8	51.5	24.3	2.4	211
200-499	14.0	65.0	18.9	2.1	123
500-1,999	21.8	56.4	20.9	0.9	105
2,000+	18.1	51.8	25.3	4.8	91
Employment status (%)					
Permanent	18.4	52.4	26.7	2.5	885
Temporary	8.6	48.4	39.8	3.1	102
Working time (%)					
Under 16 hours p.w.	27.8	40.7	24.1	7.4	75
16-34 hours p.w.	15.0	57.1	26.3	1.5	174
35 + hours p.w.	16.7	51.4	29.2	2.7	751
Union membership (%)					
Member	19.0	58.8	20.3	2.0	333
Non-member	16.6	47.8	32.8	2.8	642

Note: all percentages are row percentages.
** = fewer than five cases in cell.*

Table 3.17: Informed awareness by employment characteristics

Employment characteristic	Informed awareness: Named a law/right without prompting or after an example given	Informed awareness: Could not name a law/right	Unweighted base (n = 100%)
Occupation (%)			
Managerial/admin	80.8	19.2	183
Professional/technical	73.4	26.6	196
Assoc. professional/technical	68.7	31.3	96
Clerical/secretarial	56.9	43.1	158
Craft/skilled manual	51.8	48.2	84
Personal/protective services	47.8	52.2	71
Sales	62.4	37.6	69
Plant/machine operatives	63.6	36.4	28
Other unskilled	42.9	57.1	101
Sector (%)			
Primary & extractive	52.6	47.4	21
Manufacturing, utilities & constr.	64.2	35.8	198
Distribution, catering, transport *etc.*	62.8	37.2	234
Business and financial services	69.1	30.9	99
Public admin, education and health	66.4	33.6	313
Other services	53.3	46.7	68
Size of workplace (no. of employees) (%)			
Under 15	57.1	42.9	173
15-49	58.9	41.1	198
50-199	64.6	35.4	211
200-499	66.4	33.6	123
500-1999	72.1	27.9	105
2000+	72.0	28.0	91
Employment status (%)			
Permanent	64.1	35.9	885
Temporary	58.9	41.1	102
Working time (%)			
Under 16 hours p.w.	53.7	46.3	75
16-34 hours p.w.	51.1	48.9	174
35 + hours p.w.	66.0	34.0	751
Union membership (%)			
Member	65.7	34.3	333
Non-member	62.1	37.9	642

Note: all percentages are row percentages.

3.5.3 Experience of problems at work

In this section, levels of self-assessed awareness/knowledge and informed awareness are related to whether an individual reports having experienced a problem at work over the last five years.[1] By comparing the results from Tables 3.18 (self-assessed awareness/knowledge) and Table 3.19 (informed awareness), it appears that individuals with experience of problems at work rate themselves as significantly less aware/knowledgeable (see also the multivariate analysis in the Statistical Annex). This result is slightly counter intuitive, although it may indicate that it is experience of a problem which actually reveals to an individual that their awareness of their rights and the legal situation is low. In terms of actual levels of informed awareness, however, those with experience of such problems are somewhat more likely to demonstrate informed awareness. Overall then, the data are consistent with the possibility that experience of problems at work does in fact increase awareness, although it may also make respondents more 'modest' in assessing their own awareness levels.

Table 3.18: Self-assessed awareness/knowledge, by experience of problems at work

	Self-assessed awareness/knowledge combined				
Experience of problem at work	**Well informed and knowledgeable**	**Well informed but could know more**	**Not well informed and could know more**	**Not well informed and not interested**	**Unweighted base (n = 100%)**
Had experience in last five years (%)	8.8	40.6	48.1	2.5	164
No experience (%)	18.6	53.7	24.8	2.9	836

Note: all percentages are row percentages.

Table 3.19: Informed awareness by experience of problems at work

	Informed awareness		
Experience of problem at work	**Named a law/right without prompting or after an example given**	**Could not name a law/right**	**Unweighted base (n = 100%)**
Had experience in last five years (%)	69.6	30.4	164
No experience (%)	62.1	37.9	836

Note: all percentages are row percentages.

[1] For a fuller analysis of respondents' experience of problems at work, see Chapter 10.

4. Awareness and Knowledge of Work-Life Balance Legislation

Key findings:

A minority (one in ten) of respondents named laws relating to work-life balance unprompted, or after an example was given, although half of all respondents said they were aware of parental leave legislation, when prompted.

Substantive knowledge of specific provisions in this area of law varied considerably between the provisions, but was generally more extensive on provisions relating to maternity leave than, for example, on provisions relating to parental leave or time off for dependants.

Faced with three scenarios describing employer behaviour in this area, two thirds of respondents identified employer actions relating to maternity provisions (time off for ante-natal classes) and to time off work for dependants as unlawful. In the third case (parental leave), however, only a third of respondents did so.

As might be anticipated, family status, gender and age are important influences on awareness and knowledge of work-life balance legislation. In particular:

- **Parents** are consistently more likely than non-parents to show awareness and knowledge of rights in this area and to identify infringements of rights from scenarios.
- **Women** are more likely than men to show awareness of employment rights in this area and to identify the unlawfulness of scenarios describing situations relating to time off (for ante-natal classes, and for a young child). There are no significant gender differences, however, in the extent of substantive knowledge of the details of work-life balance legislation.
- The **youngest respondents** are generally least likely to show awareness and knowledge of work-life balance provisions, and to identify infringements when presented with scenarios. There is some evidence that awareness and knowledge in this area is greatest in the 26-45 age range (*ie* the prime ages of family formation and child rearing).

There is also some evidence that some groups more likely to experience labour market disadvantage (eg members of ethnic minorities, those in lower level occupations, and temporary employees) have lower levels of awareness and/or knowledge of rights in this area. In particular:

- **White** respondents are more likely than non-white respondents to show informed awareness and substantive knowledge of rights in this area.
- **White collar workers**, especially managerial and professional employees, are more likely to demonstrate awareness of these rights than those in lower level or manual occupations, but these differences are not evident when it comes to substantive knowledge of the details of the legislation.
- **Permanent employees** have higher levels of awareness of these provisions than temporary workers, and this difference is also generally reflected in higher levels of substantive knowledge of the details of the legislation.
- **Union members** have higher levels of awareness of rights in this area than did non-members, but this is not consistently reflected in higher levels of substantive knowledge, when tested by specific questions.

The majority of respondents (around four in five, depending on the situation) faced with what they perceive to be an infringement of their rights with regard to work-life balance, claim that they would take action in such circumstances.

Having looked at self-assessed awareness and knowledge, and compared it with some measures of actual awareness of employment rights *in general*, we go on, in this chapter and subsequent chapters, to examine in detail the responses of individuals to questions about *specific areas of legislation.*

In this chapter, we focus on employment rights which aim to protect work-life balance.

A number of different measures of awareness and knowledge are discussed and readers are referred to Chapter 2 for fuller details of these variables. To recap briefly however, these measures are:

- *Informed awareness (unprompted, or partly prompted)*: individuals are able to provide an example of a law protecting their rights at work with or without an example given.
- *Informed awareness (prompted)*: individuals respond to direct questions about specific areas of law by stating that they are aware of that law.
- *Substantive knowledge:* individuals are able to provide the correct answer to knowledge testing questions about specific areas of employment law.
- *Perception of entitlements:* individuals are able to identify a hypothetical situation as unlawful.
- *Extent to which perception of entitlements is based on knowledge:* individuals are not only able to identify a situation as unlawful, but also able to identify the law that may have been broken.

When discussing this group of rights, it should be noted that some legislation has been only recently introduced and other legislation has undergone considerable recent change. For example, parental leave regulations only came into effect on 15th December 1999 and maternity rights have been extended and enhanced twice in the last six years, once in 1994 and again in 1999.

4.1 Informed awareness (unprompted/partly prompted)

In this section we examine the data for those responding to the question:

'Can you tell me of any laws that protect your rights at work?'

Where the individual named a law relating to work-life balance legislation, either unprompted, or after an example of such a right was given.

These results were first examined in Chapter 3 (Table 3.5), for all areas of employment rights. Looking specifically at rights in the area of work-life balance, Table 3.5 showed that rights in this area were much less commonly cited than those in some other areas of employment law. Specifically:

- 4.0 per cent of individuals named maternity rights
- 3.4 per cent named time off for dependants
- 1.2 per cent named paternity leave
- 0.9 per cent named parental leave.

The individual characteristics of these individuals who named any of these items[1] of work-life balance legislation (either unprompted or partly prompted) are examined in Tables 4.1 to 4.4.

Looking first at personal characteristics (Table 4.1), some clear patterns emerge:

- As might be anticipated, women are much more likely (four times more likely) to cite a right in the area of work-life balance then men.
- White respondents are twice as likely to name a right in the area of work-life balance than non-white respondents.
- The likelihood of naming a right in this area peaks in the 26-35 and 36-45 age ranges, again this is consistent with prior expectation, as these are the ages in which we might expect the greatest concern with family issues *etc.*

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[1] Given the small numbers citing each item separately, it is not appropriate to break down each one separately by the characteristics of those citing it.

Table 4.1: Informed awareness of work-life balance legislation by personal characteristics

Personal characteristic		Informed awareness (unprompted/partly prompted) Named a right related to work-life balance	Unweighted base (n = 100%)
Gender (%)			
	Male	3.7	444
	Female	14.2	556
Ethnic origin (%)			
	White	8.5	949
	Non-white	3.7	45
Age (%)			
	16-25	5.0	139
	26-35	11.5	273
	36-45	10.0	276
	46-55	5.8	228
	56-64	2.8	81
Highest qualification (%)			
	No qualifications	3.1	150
	NVQ 1	6.7	96
	NVQ 2	9.4	221
	NVQ 3	4.6	173
	NVQ 4	10.1	283
	NVQ 5	13.2	66

Note: all percentages are row percentages.

- Finally, there is some relationship with educational level, in that those with the highest levels of qualification (NVQ 4 and 5) are most likely to cite a right in this area, and those with no qualifications least likely to do so.

Table 4.2 looks, in addition, at a specific set of personal and family characteristics relating to parenthood and caring responsibilities, which we might expect to be associated with awareness of work-life balance issues. The patterns observed are generally the expected ones. Thus:

- Parents are slightly more likely than non-parents to cite work-life balance legislation.

Table 4.2: Informed awareness of work-life balance legislation by family and caring characteristics

Characteristic	Informed awareness (unprompted/partly prompted)	
	Named a right related to work-life balance	Unweighted base (n = 100%)
Parent? (%)		
Yes	9.1	380
No	7.8	619
Age of dependent children (%)		
0-4 years	11.9	129
5-11 years	6.6	198
12-15 years	10.5	133
16-18 years (and in full time education)	10.1	82
Caring responsibilities? (%)		
Yes	7.2	84
No	8.3	916

Note: all percentages are row percentages.

- Those with the youngest children (0-4 years old), are most likely to name a law in this area, although those with 5-11 year olds are less likely to do so than those with older children[1].

Turning to the characteristics of the respondent's employment (Table 4.3), the following patterns emerge:

- *Occupation*: those in 'white collar' occupations (clerical/ secretarial, and managerial/administrative) are most likely to name rights in this area, and those in manual occupations (craft and skilled manual occupations, and plant/machine operatives) least likely to do so. This pattern may in part reflect the differences by gender noted above.
- *Sector*: there is some variation in this measure of awareness by sector, with respondents in the public administration, education and health sector most likely to name work-life balance provisions, and those in primary and extractive sectors, followed by those in manufacturing, utilities and construction least likely to do so. Again this may, in part, reflect gender differences, as the sectors with the highest proportion citing these provisions are also sectors with the highest representation of women among respondents (and *vice versa*). Equally, it may in part reflect the occupational variation

[1] Note that these categories are not mutually exclusive. Thus, for example, the group '0-4 years' includes all respondents with dependent children in this age group, irrespective of whether they also have children in other age categories.

described above, since there is some association between sector and occupation. The pattern is not a straightforward one, however. Thus, for example, we have noted that managerial/administrative and clerical occupations have the highest levels of informed awareness. The sectors which record the highest densities of these occupations are the business and financial services sector and the public administration, education and health sector, but it is notable that it is the latter which has a higher than average level of reformed awareness, but not the former.

- *Size of workplace*: there is some tendency for informed awareness of work-life balance provisions to increase with workplace size, although the pattern is not a clear-cut one.
- *Temporary employees* are slightly more likely to cite work-life balance provisions in response to these questions, as are *part-time employees*, and *non-union members*. Once again, it is worth noting that gender differences may play a role here. Although, among the sample as a whole there is no difference between men and women respondents in terms of the proportion whose jobs are temporary or permanent, it is clear that women are disproportionately represented in the sample among both part-time workers and non-union members.

In Chapter 10 we discuss respondents' reported experiences of problems at work which, in their view, related to their employment rights. As part of the questioning on experience of problems at work, respondents were asked to identify the nature of the problem(s) they had experienced and, in particular, whether it (they) fell into one of a set of specific categories, one of which related to work-life balance issues. Thus respondents were asked whether the problem/difficulty they had experienced related to:

> *'Family or dependant issues' (should include incidents relating to maternity leave, maternity pay, parental leave, emergency dependant leave).*

Overall, very few respondents (see Table 10.1) reported having had problems in this area but, as Table 4.4 shows, this group were more likely than those who had experienced other types of problems, or who had not experienced problems at all, to show awareness of legislation in this area.

Table 4.3: Informed awareness of work-life balance legislation by employment characteristics

Employment characteristic	Informed Awareness (unprompted/partly prompted) Named a right related to work-life balance	Unweighted base (n = 100%)
Occupation (%)		
Managerial/admin	12.8	183
Professional/technical	7.9	196
Assoc. professional/technical	7.1	96
Clerical/secretarial	13.9	158
Craft/skilled manual	0.9	84
Personal/protective services	2.2	71
Sales	9.4	69
Plant/machine operatives	6.5	28
Other unskilled	10.9	101
Sector (%)		
Primary & extractive	0.0	21
Manufacturing, utilities & construction	6.2	198
Distribution, catering, transport *etc.*	8.4	234
Business and financial services	7.4	99
Public admin, education and health	11.4	313
Other services	8.3	68
Size of workplace (employees) (%)		
Under 15	4.8	173
15-49	8.5	198
50-199	7.7	211
200-499	11.1	123
500-1999	8.2	105
2000+	13.4	91
Employment status (%)		
Permanent	7.9	885
Temporary	10.9	102
Working time (%)		
Under 16 hours p.w.	11.1	75
16-34 hours p.w.	13.4	174
35 + hours p.w.	7.2	751
Union membership (%)		
Member	7.5	333
Non- member	8.8	642

Note: all percentages are row percentages.

Table 4.4: Informed awareness of work-life balance legislation by experience of problems at work relating to this area of law

Experience of problem in relation to work-life balance	Informed awareness (unprompted/partly prompted) Named a right related to work-life balance	Unweighted base (n = 100%)
Had experience of this area of law (%)	50.0	7
Experienced problems but not with this area of law (%)	5.1	157
No problems with employment law (%)	8.6	836

Note: all percentages are row percentages.

4.2 Informed awareness (prompted)

In addition to prompted and partly prompted awareness as discussed in the previous section, respondents were asked directly in each broad area of legislation about their awareness of one specific piece of legislation in that area.

In the area of work-life balance the piece of legislation chosen to test prompted awareness was parental leave. Thus, respondents were asked:

> *'One employment right is that parents are allowed to take a set amount of time off work to spend with their child, until that child is five years old (or longer, if that child has a disability). Were you aware of that right?'*

As reported in Chapter 3 (Table 3.6), 52 per cent of respondents said they were aware of the right to parental leave when asked this direct question (prompt). In this section, we look at the personal, employment and experiential characteristics of these individuals (in Tables 4.5 to 4.8).

Table 4.5 shows that:

- Women are more likely to be aware of parental leave than men.
- Whites are more likely to be aware of parental leave than non-whites.
- The age pattern is only partly consistent with prior expectation. Thus, as we might expect, awareness of this right increases with age up to the 36-45 group, before falling back in the 46-55 group. It then increases again, however, such that the oldest group (56-64 years old) has highest proportion (two thirds) reporting awareness of this right.
- Awareness of this right is highest among those with the highest levels of qualification.

Table 4.5: Prompted awareness of parental leave by personal characteristics

Personal characteristic	Prompted awareness: Aware of parental leave	Unweighted base (n = 100%)
Gender (%)		
Male	49.6	444
Female	54.7	556
Ethnic origin (%)		
White	52.3	949
Non-white	44.4	45
Age (%)		
16-25	36.9	139
26-35	50.0	273
36-45	60.4	276
46-55	47.1	228
56-64	66.7	81
Highest qualification (%)		
No qualifications	45.9	150
NVQ 1	39.8	96
NVQ 2	48.1	221
NVQ 3	49.4	173
NVQ 4	59.2	283
NVQ 5	63.2	66

Note: all percentages are row percentages.

Table 4.6 looks at awareness of parental leave by family characteristics. As would be expected, parents are more likely to be aware of this legislation than non-parents, but surprisingly, perhaps, the group which is the main target of this legislation (parents of children under five years old), although more likely to be aware of the right than those with no children, are less likely to be aware of it than are those with older children.

Table 4.6: Prompted awareness of parental leave by family characteristics

Characteristic	Prompted awareness: Aware of parental leave	Unweighted base (n = 100%)
Parent? (%)		
Yes	56.8	380
No	48.7	619
Age of dependent children (%)		
0-4 years	54.8	129
5-11 years	63.4	198
12-15 years	55.6	133
16-18 years (and in full time education)	58.2	82

Note: all percentages are row percentages.

Turning to the employment characteristics of respondents (Table 4.7), the following patterns stand out:

- Those in managerial and professional occupations were most likely to report having heard of parental leave prior to the survey.
- Awareness of this legislation was highest among employees in business and financial services, followed by those in public administration, health and education.
- There was no clear pattern by workplace size, although those in the very largest establishments (2,000 plus) were most likely to report awareness of parental leave.
- Permanent employees were much more likely than temporary staff to report awareness of parental leave.
- Awareness was more common among respondents working 16-34 hours per week, than among those with other working time patterns.
- Once again, awareness was higher among union members than among their non-unionised counterparts.

Although it was not possible to identify respondents who had had problems at work relating specifically to parental leave, Table 4.8 shows that the small number of respondents who had reported problems relating to work-life balance issues in general (which included parental leave) were more likely to report prior awareness of the parental leave legislation than were those whose employment problems related to entirely different areas of the law, or who had not experienced employment problems at all.

Table 4.7: Prompted awareness of parental leave by employment characteristics

Employment characteristic	Prompted awareness: Aware of parental leave	Unweighted base (n = 100%)
Occupation (%)		
Managerial/admin	61.4	183
Professional/technical	60.1	196
Assoc. professional/technical	48.5	96
Clerical/secretarial	56.2	158
Craft/skilled manual	50.0	84
Personal/protective services	46.7	71
Sales	44.0	69
Plant/machine operatives	37.7	28
Other unskilled	39.7	101
Sector (%)		
Primary & extractive	52.6	21
Manufacturing, utilities & construction	41.6	198
Distribution, catering, transport *etc.*	51.5	234
Business and financial services	63.8	99
Public admin, education and health	59.0	313
Other services	53.3	68
Size of workplace (employees) (%)		
Under 15	43.5	173
15-49	55.4	198
50-199	56.5	211
200-499	54.9	123
500-1,999	46.4	105
2,000+	58.5	91
Employment status (%)		
Permanent	53.4	885
Temporary	41.1	102
Working time (%)		
Under 16 hours p.w.	45.3	75
16-34 hours p.w.	56.0	174
35 + hours p.w.	51.5	751
Union membership (%)		
Member	58.0	333
Non- member	48.8	642

Note: all percentages are row percentages.

Table 4.8: Prompted awareness of parental leave by experience of problems at work relating to work-life balance

Experience of problem in relation to work-life balance	Prompted awareness: Aware of parental leave	Prompted awareness: Unweighted base (n = 100%)
Had experience of this area of law (%)	80.0	7
Experienced problems but not with this area of law (%)	41.0	157
No problems with employment law (%)	53.6	836

Note: all percentages are row percentages.

4.3 Substantive knowledge

In this section, the results of the substantive knowledge testing questions are presented.

As explained more fully in Chapter 2, the general principle underlying the substantive knowledge questions was that they were asked only of respondents who had already responded to a prior question indicating that they had been aware of the particular employment right, their knowledge of which was being tested.

For each broad area of law the prior prompted awareness question related to a specific piece of legislation within that area of law, and the detailed questions about substantive knowledge related to that piece of legislation. The broad areas of law, and the corresponding specific pieces of legislation as set out below.

Area of rights	Specific legislation/right used to test prompted awareness and substantive knowledge	Reported in
Work-life balance	Parental leave	Ch. 4
Working Time	Working Time Directive	Ch. 6
Terms and conditions	National Minimum Wage	Ch. 7
Anti discrimination legislation	Generic right not to be discriminated against	Ch. 8
Unfair dismissal	Right not to be unfairly dismissed	Ch. 9

In this chapter, the main focus, therefore, was on parental leave, for the prompted awareness and substantive knowledge testing questions. In addition, however, because of particular policy interest in some other areas of work-life balance legislation (relating to time off for dependants in an emergency, maternity leave and the rights of women on return from maternity leave), we were also asked to include some questions testing substantive knowledge of these areas. We also report the findings of these latter questions in this section, but it should be stressed that, because these questions were not preceded by a question relating to prior awareness of the issue in question, the findings are not

directly comparable to those relating to substantive knowledge of parental leave also reported here. Neither are they directly comparable with the substantive knowledge questions on other areas of legislation reported in Chapters 6, 7, 8 and 9.

Finally, it should be noted that in the various knowledge-testing questions, two different question formats were used, depending on the nature of the knowledge being tested, *ie* multiple choice responses (with differing numbers of response options) and open questions, and this should be borne in mind in comparing the results from the various questions.

4.3.1 Details of the knowledge testing questions

Table 4.9 presents full details of the questions posed relating to legislation protecting work-life balance. The correct answer is emphasised in each case. This table also indicates the numbers of respondents who were asked each question and the type of question format.

Looking first at the responses to the open-ended questions on parental leave (asked of those who had already indicated that they were aware of the legislation), it is clear that only a minority (fewer than one in five) knew that the entitlement was thirteen weeks, and there was a greater tendency to underestimate rather than overestimate the amount. A third reported that they did not know.

A slightly larger minority (nearly three in ten) knew that there is no requirement for parental leave to be paid, while 37 per cent thought that it was paid, and a third did not know.

Turning to the multiple choice questions about time off for dependants and maternity leave (asked of all respondents), first, the tables show that roughly one in three individuals chose the correct answer to questions about time off for dependants and the return to work part-time after maternity leave, results that are no better than chance (each question had three response options). However, three quarters of individuals knew that a woman can take maternity leave each time she is pregnant, a greater proportion than would be achieved by pure chance (with two response options). It would appear therefore, that individuals are more knowledgeable about the basic right to maternity leave than about the more complex, and more recent, provisions for time off for dependants. There are also misconceptions around (lack of) right to return to work part-time after maternity, with around half of respondents believing there to be greater provision than actually existed at the time of the research.

Question	Question type	Response option	% of those asked question	% of total sample
Parental leave questions: asked of those with prior awareness of parental leave legislation				
How long can parents take off as parental leave? **(parental leave, length)**	Open ended	Those underestimating	30.5	15.8
		Correct (to within one week of 13 weeks)	**18.3**	**9.5**
		Those overestimating	18.0	9.3
		Don't know	33.3	17.3
		Unweighted base (n = 100%)	**544**	1,000
How much of parental leave is paid? **(parental leave, pay)**	Open ended	Correct (none of it)	29.0	15.1
		Incorrect estimate (anything over 0 weeks)	37.1	19.3
		Don't know	33.8	17.6
		Unweighted base (n = 100%)	542	1,000
Additional questions relating to time off and maternity leave: asked of whole sample				
If a person had to take time off to look after their child or another dependant in an emergency, what would be their situation under the law? **(time off for dependants)**	Multiple choice (3 options)	They can take time off for which their employer must pay them	11.4	
		They can take time off but their employer does not have to pay them	**37.5**	
		It is up to the employer whether or not time off can be taken	36.6	
		Don't know	14.5	
How many times can a woman take paid maternity leave? **(maternity leave, entitlement)**	Multiple choice (2 options)	Only once	3.4	
		As many times as she has a child	**74.7**	
		Don't know	21.8	
If a woman who used to work full-time wanted to come back to work part-time after having a child, what would be her situation under the law? **(maternity leave – return to work part-time)**	Multiple choice (3 options)	The employer must offer her a part-time role	22.7	
		The employer must offer her a part-time role if possible	32.5	
		There is no legal obligation for the employer to offer her a part-time role	**32.2**	
		Don't know	12.3	
		Unweighted base (n = 100%)	1,000	

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4.3.2 Substantive knowledge by self-assessed awareness/knowledge

Table 4.10 explores the relationship between actual and self-perceived knowledge by comparing the results of the knowledge testing questions (simplified by presenting the proportion getting the answer 'correct') with the levels of self-assessed awareness/ knowledge amongst the sample.

The numbers in the table present a complex picture:

- For the two general questions relating to basic entitlements (entitlement to time off for dependants, and entitlement to repeated maternity leave), the relationship is fairly simple, with the percentage of individuals choosing the right answer generally increasing with level of self perceived awareness/ knowledge.
- The relationship is less clear-cut with regard to the right to return part-time after maternity leave – it nevertheless remains the case that in general, those who rate themselves as 'well informed' are more likely to get the answer right than those who are 'not well informed'.
- Similarly when the questions move on to more specific topics relating to parental leave, the pattern is not a straightforward one (in these cases the 'not well informed and not interested category' is not presented due to small cell sizes). In the question referring to the length of parental leave, once again a higher proportion of 'well informed' than 'not well informed' respondents get the answer right, but this is not the case for the question referring to whether parental leave is paid.

Table 4.10: Knowledge of work-life balance legislation by self-assessed awareness/ knowledge combined

	Substantive knowledge						
	Parental leave: length	Parental leave: pay		Time off for dependants: entitlement	Maternity leave: entitlement	Maternity leave: return to work part-time	
Self-assessed awareness/ knowledge	Correct	Correct	Un-weighted base	Correct	Correct	Correct	Un-weighted base
Well informed and knowledgeable (%)	12.5	24.5	122	43.5	80.4	27.2	187
Well informed but could know more (%)	21.9	30.4	282	36.7	77.5	34.5	499
Not well informed and could know more (%)	12.6	30.3	126	37.7	67.8	32.3	287
Not well informed and not interested (%)	*	*	12	17.2	60.7	17.9	27

** = fewer than five respondents in cell.*
Note: all percentages are row percentages.

4.3.3 Substantive knowledge by individual characteristics

In this section we look at the relationship between respondents' characteristics and their levels of substantive knowledge about employment rights related to work-life balance. As previously, we look at a range of personal, employment and experiential characteristics.

Personal characteristics

Table 4.11 looks at patterns by personal characteristics:

- Differences by gender are generally small. The largest difference occurs in the case of time off for dependants, where more women than men correctly identified that there is a right to unpaid time off. It is interesting to note that slightly more

Table 4.11: Knowledge of work-life balance legislation by personal characteristics

	Substantive knowledge						
	Parental leave: length	Parental leave: pay		Time off for dependants: entitlement	Maternity leave: entitlement	Maternity leave: return to work part- time	
Personal characteristics	Correct	Correct	Un-weighted base	Correct	Correct	Correct	Un-weighted base
Gender (%)							
Male	20.3	29.3	225	34.7	73.4	34.3	444
Female	15.9	28.7	317	41.2	76.5	29.1	556
Ethnic origin (%)							
White	18.4	29.9	521	37.3	74.8	32.6	949
Non-white	*	*	18	41.5	72.2	18.5	45
Age (%)							
16-25	15.4	30.2	56	38.6	65.2	35.0	139
26-35	16.3	38.6	144	35.5	78.9	31.5	273
36-45	23.3	30.4	168	40.4	78.4	31.2	276
46-55	17.1	21.9	122	37.7	75.9	33.6	228
56-64	14.6	14.3	50	34.2	58.9	29.2	81
Highest qualification (%)							
No qualifications	18.2	15.2	73	43.9	53.1	22.4	150
NVQ 1	17.1	8.6	49	30.7	76.1	51.7	96
NVQ 2	11.4	26.6	109	42.2	78.0	25.1	221
NVQ 3	15.7	31.6	88	37.7	72.5	42.5	173
NVQ 4	24.6	35.5	173	33.9	77.6	32.9	283
NVQ 5	24.4	41.9	43	29.9	82.6	27.9	66

Note: all percentages are row percentages.
** = fewer than five respondents in cell.*

men than women were aware that there is no legal right to return to work part-time after maternity leave.

- More white than non-white respondents gave the correct response in four out of the five knowledge tests (although in two of the cases the cell sizes are too small for reliable analysis). The biggest differences occurred in the case of the right to return part-time after maternity leave (where whites were nearly twice as likely as non-whites to answer correctly).
- There were no consistent age patterns in responses to these questions, although in most cases the highest proportion getting the answer correct was found in the 26-35 or 36-45 age group.
- Similarly the pattern by educational level was by no means clear cut, and there was no consistent tendency for those with higher levels of educational qualification to be more likely to answer correctly.

Table 4.12 presents a similar analysis, looking at characteristics relating to family situation and caring responsibilities. Generally speaking the patterns revealed are very much in the expected direction. In particular:

Table 4.12: Knowledge of work-life balance by family and caring characteristics

	Substantive knowledge						
	Parental leave: length	Parental leave: pay		Time off for dependants: entitlement	Maternity leave: entitlement	Maternity leave: return to work part-time	
Characteristic	Correct	Correct	Un-weighted base	Correct	Correct	Correct	Un-weighted base
Parent? (%)							
Yes	18.8	39.2	218	44.0	83.3	33.9	380
No	18.0	22.2	324	33.6	69.6	31.2	619
Age of dependent children (%)							
0-4 years	28.4	55.6	69	50.0	86.6	33.6	129
5-11 years	21.3	35.	120	43.2	84.7	29.0	198
12-15 years	14.4	27.9	74	50.0	82.3	28.0	133
16-18 years (and in full time education)	10.7	26.1	45	41.8	85.0	18.8	82
Caring responsibilities? (%)							
Yes	27.5	20.0	43	47.6	79.5	24.1	84
No	17.6	29.7	499	36.5	74.3	32.9	916

Note: all percentages are row percentages.

- In all five tests, parents are more likely to give a correct answer than non-parents, in some cases significantly more likely to.
- In the two questions relating to parental leave, as well as the question relating to time off for dependants, parents with the youngest children are more likely to give the correct answer, and this likelihood decreases as the age of child increases.

Employment characteristics

Table 4.13 shows how the likelihood of giving a correct answer to the various questions testing substantive knowledge of work-life balance legislation varies by the characteristics of the jobs that respondents do.

Overall, there are no strong or clear patterns in this likelihood as far as the variation by occupation, sector or size of workplace is concerned. It would seem that there is no systematic relationship between occupation, sector and workplace size on the one hand and substantive knowledge of work-life legislation on the other, at least when the latter is measured across five indicators of that knowledge in this way.

Generally speaking, permanent employees are more likely to have substantive knowledge of these rights than temporary employees, the exception being knowledge that there is no right to return to work part-time after maternity leave (temporary workers are more likely to know this than their permanent counterparts).

It is notable that part-time workers are more likely to have knowledge of the two questions relating to parental leave, and the question relating to time of for dependants. It is interesting to note that this is unlikely to be purely a gender effect (*ie* due to a higher incidence of part-time working among women), given that Table 4.11 showed that women are, if anything, less likely to get these questions right. More plausibly, it might partly reflect an association between working part-time and having young children – as Table 4.12 showed, those with children aged under five are much more likely than average to get the answers right to these questions.

Finally, it is interesting also to note that there is not a clear union membership effect in these questions. Indeed, in two of the questions (the one relating to paid parental leave, and the one relating to time off for dependants), union members are less likely to get the right answer than non-members.

Experience of problems at work

Finally, Table 4.14 shows the relationship between substantive knowledge of these areas of law, and reported experience of problems at work.

Table 4.13: Knowledge of work-life balance legislation by employment characteristics

	Substantive knowledge						
	Parental leave: length	Parental leave: pay		Time off for depend'ts entitlem't	Maternity leave: entitlem't	Maternity leave: return to work part- time	
Employment characteristics	Correct	Correct	Un-weighted base	Correct	Correct	Correct	Un-weighted base
Occupation (%)							
Managerial/admin	24.5	45.3	115	38.4	81.9	25.6	183
Professional/technical	19.2	21.6	121	38.6	86.3	35.3	196
Assoc. professional/technical	10.2	25.0	44	30.6	81.6	36.7	96
Clerical/secretarial	14.1	20.8	92	31.4	78.8	36.8	158
Craft/skilled manual	26.3	35.1	38	50.9	63.2	30.7	84
Personal/protective services	18.7	14.0	36	33.3	60.0	15.6	71
Sales	19.5	47.1	31	40.5	72.6	33.3	69
Plant/machine operatives	*	*	13	31.6	69.7	56.6	28
Other unskilled	21.7	12.5	45	41.9	65.1	25.0	101
Sector (%)							
Primary & extractive	44.4	*	13	36.8	68.4	27.8	21
Manufacturing, utilities & construction	25.7	33.3	95	40.5	72.8	40.1	198
Distribution, catering, transport *etc.*.	15.6	28.7	117	40.6	73.6	27.2	234
Business and financial services	21.4	34.4	56	35.5	80.9	31.9	99
Public admin, education & health	14.3	25.5	189	31.7	80.3	27.1	313
Other services	22.6	15.6	35	36.7	80.0	28.3	68
Size of workplace (employees) (%)							
Under 15	14.2	23.0	85	44.5	72.8	33.3	173
15-49	14.6	25.3	106	35.4	80.6	23.9	198
50-199	23.9	26.7	118	37.1	78.3	31.4	211
200-499	18.8	27.8	73	36.4	72.7	30.1	123
500-1999	20.0	36.5	60	36.0	86.5	46.4	105
2000+	14.3	34.7	53	35.4	78.0	24.4	91
Employment status (%)							
Permanent	19.2	29.9	492	37.7	76.4	30.1	885
Temporary	13.4	20.8	43	37.2	65.9	47.7	102
Working time (%)							
Under 16 hours p.w.	20.9	36.0	36	44.4	71.7	24.1	75
16-34 hours p.w.	16.9	16.0	98	39.8	78.4	24.6	174
35 + hours p.w.	18.3	31.0	408	36.6	74.3	34.0	751
Union membership (%)							
Member	19.0	23.0	210	34.3	79.4	33.9	333
Non- member	18.1	31.8	318	38.8	73.0	30.6	642

Note: all percentages are row percentages.
** = fewer than five respondents in cell.*

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Table 4.14: Knowledge of work-life balance legislation by experience of problems at work related to the legislation

	Substantive knowledge						
	Parental leave: length	Parental leave: pay		Time off for depend'ts: entitlem't	Maternity leave: entitlem't	Maternity leave: return to work part-time	
Experience of problem in relation to work-life balance	Correct	Correct	Un-weighted base	Correct	Correct	Correct	Un-weighted base
Had experience of this area of law (%)	*	*	5	*	100	*	7
Experienced problems but not with this area of law (%)	15.9	27.0	75	34.0	71.6	32.7	157
No problems with employment law (%)	18.4	29.4	462	38.2	75.3	32.0	836

Note: all percentages are row percentages.

** = fewer than 5 respondents in cell.*

Generally the numbers of respondents to these questions with experience of employment problems related to work-life balance are too small for analysis, although it should be noted that all of those with experience of such problems answered the maternity leave entitlement question correctly.

Otherwise, there is no consistent pattern in the relationship between experience of employment problems in general and likelihood of getting these questions right.

4.4 Perception of entitlements (scenarios)

As explained in Chapter 2, respondents were presented with a series of scenarios or hypothetical situations, describing an employment-related issue and an employer's action, and asked whether the action was lawful or not. There were three scenarios which dealt with legislation protecting the work-life balance. These were:

Parental leave

Your friend has just become a father and wants to take time off to spend with his new baby. He proposes to his employer that he take off a week each month, unpaid, for three months, starting in a month's time. His employer refuses.

Release from work for ante-natal classes

Your friend is pregnant. She needs to take time off in order to attend ante-natal classes. The employer refuses her the time off, insisting that

she make appointments which are outside her normal work hours or have her pay docked.

Time off for dependants

You are friends with a couple who have a new baby. Both parents work full time. The father is late arriving at work one day as the childminder was delayed arriving at his home. The employer issues a warning letter and says if it happens again the man faces dismissal.

These scenarios are drawn from a list of fifteen, three in each of the five areas of law. Each respondent answered questions relating three randomly selected scenarios, each from a different area of law. Therefore, some respondents will not have been asked any scenario questions about legislation protecting work-life balance, and no one individual will have answered more than one question about this particular legislation. The number of individuals answering each of the three scenarios, due to the random matching of individuals with questions, also differs slightly.

4.4.1 Extent to which respondents identified scenarios as unlawful

As presented in Table 4.15, around two-thirds of respondents identified as unlawful two of the three scenarios concerned with work-life balance legislation or support for working parents (*ie* release from work for ante-natal classes and time off for dependants). However, only just over a third of individuals perceived the scenario about parental leave as an unlawful employer action. It is not possible from these results, however, to determine how much this is based on knowledge or awareness of the specific legislation and how much on an individual's sense of fairness.

It is, nevertheless, notable that this is the only one of the 15 scenarios in which the majority of respondents did not identify the situation described in the scenario as unlawful. This is likely, in part, to imply that people do not yet know the details of the new parental leave legislation. This is a consistent theme, throughout the evidence we have so far presented in this report. Thus in Chapter 3 (Table 3.5) our analysis of unprompted and

Table 4.15: Perception of entitlement

Perception of entitlement	Scenario concerned		
	Parental leave (%)	Release from work for ante-natal classes (%)	Time off for dependants (%)
Correctly identified as unlawful	35.4	65.6	64.4
Unable to identify as unlawful (*ie* incorrect answer, or 'don't know')	64.6	34.4	35.6
Unweighted base (n = 100%)	180	215	201

partly prompted awareness showed that parental leave was one of the areas of law least commonly cited by respondents (and was cited less often than any of the other provisions relating to work-life balance and working parents). Similarly (Table 3.6) our analysis of the prompted awareness questions showed that awareness of the parental leave legislation was lower than that of any of the other four specific examples of legislation considered. Further, as Table 4.9 above has shown, responses to the two parental leave questions showed lower levels of substantive knowledge than did responses to the other questions relating to work-life balance (time off for dependants and maternity leave).[1]

4.4.2 Perception of entitlement by self-assessed awareness/knowledge

Table 4.16 presents a comparison of the self-assessed awareness/knowledge of individuals and their perception of the lawfulness of the three scenarios concerned with work-life balance legislation. The table shows little evidence of a consistent relationship between these variables. Whilst those rating themselves as 'well informed and knowledgeable' are most likely to identify as unlawful the scenario concerned with the release from work for ante-natal classes, this is not the case for the other two scenarios in this group.

Table 4.16: Perception of entitlement by self-assessed awareness/knowledge

	Perception of entitlement					
	Parental leave		Release from work for ante-natal classes		Time off for dependants	
Self-assessed awareness/knowledge	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base
Well informed and knowledgeable (%)	25.8	33	83.3	37	60.4	50
Well informed but could know more (%)	39.8	85	56.8	118	70.0	87
Not well informed and could know more (%)	40.4	51	72.4	55	59.0	62
Not well informed and not interested (%)	7.7	11	*	5	*	2

Note: all percentages are row percentages.
**= fewer than 5 respondents in cell.*

[1] Caution needs to be exercised, however, in making this latter comparison, as the parental leave questions were asked of a sub-sample already aware of the parental leave legislation, and the other questions of the whole sample (although, if anything, one might expect this to result in higher levels of knowledge being recorded in the parental leave questions).

4.4.3 Perception of entitlement by individual characteristics

Table 4.17 looks at the variation in respondents' perception of the scenarios' lawfulness by personal characteristics[1]. Key features from the table are as follows:

- Women are significantly more likely than men correctly to identify the unlawfulness of the scenarios relating to time off for ante-natal classes and the new father taking time off for dependants. Both men and women are similarly unlikely to identify the parental leave scenario as unlawful, however.
- The patterns by age are not clear cut, although generally the youngest respondents are least likely to identify these scenarios as unlawful, which is consistent with the hypothesis that these issues (which all relate to parenthood) are less likely to be of concern to younger respondents.

Table 4.17: Perception of entitlement of work-life balance legislation by personal characteristics

	Perception of entitlement					
	Parental leave		Release from work for ante-natal classes		Time off for dependants	
Personal characteristics	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base
Gender (%)						
Male	36.6	80	60.1	103	57.5	89
Female	34.5	100	76.6	112	72.9	112
Age (%)						
16-25	22.6	30	39.3	25	57.1	27
26-35	24.2	34	79.3	63	54.5	63
36-45	51.5	62	75.6	54	79.0	51
46-55	32.4	39	43.6	52	58.3	43
56-64	*	14	85.0	21	60.0	17
Highest qualification (%)						
No qualifications	44.4	25	80.0	27	63.6	34
NVQ 1	50.0	26	47.1	23	50.0	12
NVQ 2	45.3	36	81.5	48	69.3	50
NVQ 3	21.2	34	56.0	38	75.0	27
NVQ 4	28.3	50	59.2	63	60.7	62
NVQ 5	*	7	75.0	14	41.7	13

Note: all percentages are row percentages.
**= fewer than five respondents in cell.*

[1] There are too few respondents to these scenarios from ethnic minorities to present a white/non-white comparison of the responses.

- Qualification level plays no clear role, and it is not the case in any of these scenarios that those with the highest educational qualifications are most likely to identify the scenario as unlawful.

When we look at responses relating to the scenarios' lawfulness broken down by characteristics relating to the family status of the respondent (Table 4.18), it is clear that being a parent has a strong influence on the likelihood of identifying each of the scenarios as unlawful. In each of the three scenarios, parents are significantly more likely to identify the scenario as unlawful than are non-parents. In this case, the age of children, however, seems to make less difference, and there is no consistent variation by age of child in the responses.

Table 4.18: Perception of entitlements by family characteristics

	Perception of entitlement					
	Parental leave		Release from work for ante-natal classes		Time off for dependants	
Characteristics	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base
Parent? (%)						
Yes	50.8	60	86.3	79	72.7	78
No	27.3	120	56.1	139	58.9	123
Age of dependent children (%)						
0-4 years	46.7	22	83.3	20	76.5	34
5-11 years	53.1	32	81.8	48	75.0	38
12-15 years	61.9	23	80.0	36	82.8	27
16-18 years (and in full time education)	60.0	14	89.5	19	70.6	17

Note: all percentages are row percentages.

Turning to employment characteristics (Table 4.19), there are very few consistent patterns across the different scenario responses. Thus there is no clear or common variation in perceptions of lawfulness of the scenarios by occupation, sector, workplace size or employment status. Similarly union membership is in two cases associated with a higher likelihood of identifying a breach of the law, but a lower likelihood in the third scenario. The only consistent pattern occurs in the case of working time, where it appears that part-time employees working fewer than 16 hours a week are, in the case of each scenario, most likely to identify the scenario situation as unlawful. The relatively small numbers of respondents in this part-time category, however, suggest caution in interpreting this finding.

Table 4.19: Perception of entitlement of work-life balance legislation by employment characteristics

Characteristics	Perception of entitlement					
	Parental leave		Release from work for ante-natal classes		Time off for dependants	
	Correct	Un-weighted base	Correct	Un-weighted base	Correct	Un-weighted base
Occupation (%)						
Managerial/admin	38.5	39	80.8	31	72.1	39
Professional/technical	21.7	30	66.7	39	51.4	17
Assoc. professional/technical	31.6	15	65.5	26	80.0	25
Clerical/secretarial	47.8	30	78.4	35	66.7	19
Craft/skilled manual	*	14	64.3	21	72.0	20
Personal/protective services	47.4	12	85.0	16	48.0	12
Sales	42.9	17	60.9	13	*	7
Plant/machine operatives	*	6	*	10	*	1
Other unskilled	72.7	14	66.7	22	85.7	20
Sector (%)						
Primary & extractive	*	2	83.3	6	100	5
Manufacturing, utilities & construction	26.8	37	54.3	47	60.8	37
Distribution, catering, transport *etc.*	43.6	49	70.8	36	59.6	52
Business and financial services	31.6	17	85.0	21	57.1	18
Public admin, education & health	50.0	53	67.9	75	65.3	64
Other services	*	12	80.0	14	88.2	15
Size of workplace (employees) (%)						
Under 15	38.1	26	80.6	46	70.8	26
15-49	57.1	35	67.6	41	60.5	41
50-199	32.4	36	80.4	52	56.8	42
200-499	37.5	24	40.9	20	63.6	33
500-1999	25.9	25	35.5	17	70.8	25
2000+	26.3	16	53.3	16	60.0	19
Employment status (%)						
Permanent	36.8	163	67.0	187	63.3	179
Temporary	*	15	53.3	25	78.9	21
Working time (%)						
Under 16 hours p.w.	62.5	9	100.0	18	85.7	15
16-34 hours p.w.	21.9	40	67.7	43	66.7	30
35 + hours p.w.	36.6	131	63.6	154	61.8	156
Union membership (%)						
Member	44.9	58	57.1	73	68.2	71
Non- member	31.8	118	68.8	138	63.1	128

Note: all percentages are row percentages.
**= fewer than 5 cases in cell.*

4.5 How far are perceptions based on knowledge?

Although the scenarios were designed to test an individual's ability to identify the lawfulness or otherwise of a particular situation, it is clearly possible that a respondent's perception that a scenario depicts an unlawful situation reflects their general sense of fairness or natural justice, rather than any specific knowledge of the legislation in question.

To explore this further, therefore, all respondents who identified the scenario in question as unlawful were further asked to explain the way(s) in which they believed the individual's rights at work had been infringed, and were encouraged by the interviewer to identify any law which they believed had been broken in that case.[1]

In this section, therefore, we present the answer to these follow-up questions which examine the extent to which scenario responses identifying a breach of the law were, in some sense, based on knowledge. The relatively small numbers of respondents to these questions limits the extent to which the findings can be broken down by respondent characteristics *etc*.

Table 4.20 shows, for each of the three scenarios relating to work-life balance issues, the proportion of those who identified the scenario as unlawful who were also able to explain why (*eg* by citing the name or provisions of the legislation relevant to the scenario in question). There was some variation between the three scenarios in this respect in terms of the proportion citing the part of the law that might have been broken (varying from only one in five respondents in the case of the scenario relating to the new father taking time off, to nearly two-thirds for the scenario relating to time off for ante-natal classes).

Table 4.20: Whether perception of entitlement for work-life balance legislation is based on knowledge

	Scenario		
Whether perception of entitlement is based on knowledge	**Parental leave (%)**	**Release from work for ante-natal classes (%)**	**Time off for dependants (%)**
Named relevant area of law	59.6	62.3	22.0
Named other area of law/don't know	40.4	37.7	78.0
Unweighted base (n = 100%)	77	148	130

[1] Responses were recorded verbatim, and then categorised by the researchers into those who were judged to exhibit knowledge of the legislation and those who were not.

The data suggest, therefore, that in a significant proportion of cases, even where respondents are able to identify infringements of their rights in this area, this is likely to reflect their general view of what is 'fair' or 'natural justice', rather than any specific knowledge of the relevant legal provisions.

Table 4.21 looks at the extent to which respondents' reliance on 'knowledge' rather than 'intuition' (or similar) in identifying infringements in the area of work-life balance, varied with their own self-assessment of their general level of awareness and knowledge of employment rights.

Although relatively small cell sizes dictate caution in interpreting these data, there would seem to be little or no correlation between self-assessed awareness/knowledge and the extent to which their perceptions of infringement of rights in the area of work-life balance was based on knowledge of the underlying legislation. Indeed in two out of the three scenario examples, the judgements of those who regarded themselves as 'not well informed' were actually more likely to be based on knowledge of the laws involved than were those of respondents who saw themselves as 'well informed'.

Table 4.21: Knowledgeable perception of work-life balance entitlements by self-assessed awareness/knowledge

	Knowledgeable perception of entitlement (*ie* respondent named relevant area of law)								
	Parental leave			Release from work for ante-natal classes			Time off for dependants		
Self-assessed awareness/ knowledge	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base
Well informed and knowledgeable (%)	37.5	9.7	31	53.3	44.4	31	13.3	8.2	32
Well informed but could know more (%)	54.5	21.7	39	61.3	34.8	77	30.4	21.3	59
Not well informed and could know more (%)	79.2	32.8	23	69.0	50.0	36	19.4	11.5	37
Not well informed and not interested (%)	*	*	2	*	*	4	*	*	2

Note: all percentages are row percentages.
** = fewer than five respondents in cell.*

Table 4.22 repeats the analysis by a range of individual (personal and job) characteristics (fewer characteristics are used here than in some earlier analyses, because of small cell sizes).

Looking at the proportion of all those asked each scenario question who *both* identified unlawfulness, *and* demonstrated knowledge of the relevant legislation, it seems that this proportion was higher among men with regard to the parental leave scenario, but higher among women with regard to the time off for ante-natal classes scenario.

In all three scenarios the proportion identifying unlawfulness and displaying knowledge about the reasons for the infringement was higher among parents than non-parents.

Finally, the union/non-union member difference was not consistent; in some scenarios the proportion displaying a knowledgeable perception of entitlement was higher among union members, in others it was higher among the non-unionised respondents.

Table 4.22: Knowledgeable perception of work-life balance entitlements by individual characteristics

	Knowledgeable perception of entitlement (*ie* respondent named relevant area of law)								
	Parental leave			Release from work for ante-natal classes			Time off for dependants		
Characteristic	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recognising scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base
Gender (%)									
Male	62.2	22.8	32	59.8	35.9	62	23.0	13.2	48
Female	57.1	19.3	45	66.1	40.6	86	21.3	15.5	82
Parent? (%)									
Yes	58.8	29.4	32	73.8	53.3	68	22.0	16.3	58
No	59.4	16.2	45	53.5	32.9	80	22.2	12.8	72
Union membership (%)									
Member	50.0	22.4	29	75.0	42.9	53	13.3	9.1	51
Non- member	66.7	21.2	46	57.5	39.6	92	27.3	17.2	78

Note: all percentages are row percentages.

4.6 Taking action

Individuals who identified a scenario as unlawful were then asked to comment on whether they would take action (such as seeking advice from an independent source, or discussing the matter with the employer) if they found themselves in that situation. The pattern is consistent across all three scenarios (Table 4.23). In each case around four out of five respondents faced with this situation believed that they would take action as a result (the proportions are slightly higher in the cases of time off work for dependants and release from work for ante-natal classes than they are for parental leave).

Table 4.23: Whether individuals would take action if scenario happened to them

	Scenario		
Whether individual would take action in that situation	**Parental leave (%)**	**Release from work for ante-natal classes (%)**	**Time off for dependants (%)**
Yes, would take action	77.5	81.6	82.0
No, would not take action	22.5	18.4	18.0
Unweighted base (n = 100%)	77	148	130

Table 4.24 shows the breakdown of this 'propensity to take action' by some key individual characteristics:

- Men would be more likely than women to take action in the parental leave scenario, while women would be more likely to take action in relation to ante-natal classes or (especially) in relation to time off for dependants.
- Perhaps surprisingly, comparing parents with non-parents, the former would be significantly less likely to take action over parental leave or release for work for ante-natal classes, and significantly more likely to do in the context of time off for dependants.
- Trade union members would be more likely to take action than non members in two of the scenarios (ante-natal classes, and time off for dependants), and less likely to do so in the case of parental leave.

Table 4.24: Propensity to take action in work-life balance scenarios by individual characteristics

Individual characteristic	Scenario					
	Parental leave		Release from work for ante-natal classes		Time off for dependants	
	% would take action	Un-weighted base	% would take action	Un-weighted base	% would take action	Un-weighted base
Gender (%)						
Male	83.8	32	81.3	62	78.7	48
Female	69.0	45	83.1	86	85.2	82
Parent? (%)						
Yes	72.7	32	73.8	68	91.7	58
No	83.9	45	87.2	80	73.0	72
Union membership (%)						
Member	72.7	29	85.0	53	86.7	51
Non-member	81.0	46	80.2	92	78.9	78

Note: all percentages are row percentages.

5. Availability and Take-up of New Entitlements

Key findings

Three-quarters of employees report that their employer offers **time off for dependants.**

Around two in five report that their employers offer **parental leave**, and a similar proportion report that their employers offer **paternity leave.**

Respondents with public sector employers are much more likely to report that their employer offers paternity leave and parental leave to employees.

Respondents were also asked if they thought their employer would offer these provisions if requested. Taking this together with those who believed that their employer already did offer such provisions shows that:

- two-thirds believed either that their employer already offered parental leave, or that their employer would do so if asked;
- three-quarters believed either that their employer already offered time off for dependants, or that the employer would do so on request.

Paternity leave (although not a statutory obligation) is the most likely of the three provisions to be paid leave, where offered (three-quarters of employers offering it, made payment).

Of the three provisions, parental leave, where offered, is least likely to be paid; and in cases where it is paid, it is less likely than the other provisions to be fully paid.

Analysis of the take-up of the new provisions showed:

- Fewer than one in ten of those who were aware that their employers offered parental leave believed they were eligible for parental leave during the previous year, and fewer than half of those had actually taken it.
- Around eight per cent of men who were aware that their employers offered paternity leave had been eligible for it during the previous year, but the majority of these had actually taken it.
- Almost all of those who had needed to take time off for dependants during the previous year had taken it (women are more likely than men to report needing such time off).

Looking to the future, nearly all of those who had already taken up the provision, and those who had not yet been eligible or had not needed to, indicated that they would take time off for dependants or paternity leave in future, if they needed to or became eligible. A slightly smaller proportion (but still more than four out of five) indicated that they would take parental leave in future, if they became eligible.

In all three cases, the most common reason given for not taking up the provision (when eligible) was not being able to afford to (because the leave or time off was either not paid or only partly paid).

5.1 Introduction

This chapter reports the findings of the small part of the present study which did not specifically focus on issues of awareness and knowledge of employment rights. This part of the study took advantage of the opportunity which was offered by an individual level survey on employment rights to fill a specific but separate gap in policy-makers' current knowledge. This gap related to questions of availability and take-up of provisions recently introduced under legislation relating to parental leave and time off for dependants.

Although these questions are rather different from those tackled in the rest of the study, they are included here for completeness.

In this part of the study, a short series of extra questions was asked of those in the sample who were in employment at the time of the survey, focusing on:

- whether or not their employer currently offered this kind of leave/time off
- whether the respondent had been eligible for this type of leave/time off in the last year
- whether eligible respondents had, in fact, taken the leave/time off in question, and
- if not, what had prevented them from doing so.

It should be stressed that, throughout this chapter, reference to 'availability' of the various statutory rights refer to *respondents' perceptions* of availability. This may differ in practice from the *actual availability* of those rights. Although employers are under a legal obligation with regard to the statutory provisions, many employees will become aware of their entitlements only through their employers. The specific questions (listed above) were designed to capture respondents' awareness in this sense and not to test employer compliance. If, instead of the questions asked, respondents had initially been reminded that their employers were under a legal obligation and then asked whether the rights were made available to them, they would, in effect, be answering a somewhat different question: 'does your employer comply with

the legislation'. This latter approach was not the purpose of the present study.

5.2 Availability of the new leave and time off provisions

All respondents in employment at the time of the survey were asked the following three questions:

Leaving aside your annual leave/holiday entitlement, does your employer offer:

- *Parental leave (ie the opportunity for **mothers** or **fathers** to take up to 13 weeks off work to spend with their children up until the child is five years old). [NB this is different from paternity leave]?*
- *Time off for dependants (that is, time off in an emergency; for example, to meet caring responsibilities)?*
- *Paternity leave [to fathers], ie time off work immediately following the birth of a baby?*

Table 5.1 shows that around three-quarters of respondents reported that their employer offered time off for dependants, while two in five reported that their employer offered parental leave and paternity leave respectively. It should also be noted that nearly a third of respondents in each case did not know whether their employer offered parental leave and paternity leave.

Table : Types of leave/time off under the new provisions offered by employe

Offered by employer?	Parental leave (%)	Time off for dependants (%)	Paternity leave (%)
Yes	40.5	75.9	42.5
No	26.2	13.1	25.4
Don't know	30.3	11.0	32.1
Unweighted base (n = 100%)	918	916	916

Tables 5.2 to 5.5 show how the perceived availability of the different provisions varied with the characteristics of the respondent's employer.

There was some sectoral variation (Table 5.2), but the pattern was not consistent between the different provisions. Thus the reported incidence of parental leave was highest in the 'other services' sector and lowest in the distribution and related sectors, while for paternity leave the distribution and related sectors had the highest reported incidence, and the primary and extractive sectors the lowest. As far as time off for dependants was concerned, the lowest reported incidence was in financial and business services, and the highest in the primary and extractive sectors.

Table 5.2: Leave/time off offered under the new provisions, by sector

Sector (SIC)	% of respondents in sector reporting that their employer offers... Parental leave	Time off for dependants	Paternity leave	Unweighted base (n = 100%)
Primary & extractive	37.5	81.3	29.4	19
Manufacturing, utilities and construction	42.4	76.5	42.4	190
Distribution, hotels, restaurants, transport & communication	34.9	70.8	47.7	218
Financial & business services	37.8	70.0	47.3	94
Public admin., education, health & social work	44.9	80.8	41.8	293
Other services	47.5	71.7	38.3	67

Table 5.3: Leave/time off offered under the new provisions, by public/private nature of organisation

Nature of organisation	% of respondents in sector reporting that their employer offers... Parental leave	Time off for dependants	Paternity leave	Unweighted base (n = 100%)
Public sector	43.8	74.2	50.0	363
Private sector	39.0	75.5	40.1	495
Voluntary/charitable	66.7	100.0	*	19

** = fewer than 5 cases in cell.*

As Table 5.3 shows, however, whether the organisation was in the public or private sectors appears to be a more important influence than the particular industry in which the organisation is situated. Thus, in the case of paternity leave, and to a lesser extent parental leave, respondents with public sector employers appear more likely to report that their employer offers the provision. There is very little difference between public and private sectors with regard to reported provision of time off for dependants.

In the case of all three provisions, respondents in larger workplaces are more likely to report that their employer offers the provision (Table 5.4). Table 5.5 shows that trade union presence in

Table Leave/time off offered under the new provisions, by size of workplac

Size of workplace (no. of employees)	% of respondents in sector reporting that their employer offers... Parental leave	Time off for dependants	Paternity leave	Unweighted base (n = 100%)
Fewer than 15 employees	26.5	74.6	29.0	157
15 employees or more	43.1	75.3	46.5	719

Table 5.5: Leave/time off offered under the new provisions, by union presence in the workplace

Trade union present in the workplace?	% of respondents in sector reporting that their employer offers... Parental leave	Time off for dependants	Paternity leave	Unweighted base (n = 100%)
Yes	46.6	78.8	49.6	431
No	35.0	73.7	37.8	474

the workplace is also associated with a higher incidence of all three of the provisions.[1]

5.3 Would employer offer leave/time off under the new provisions on request?

Respondents who reported that their employer did not offer leave or time off under the new provisions, or who did not know whether the leave/time off was offered, were asked whether they believed that the employer would grant them the leave or time off, on request[2].

As Table 5.6 shows, a higher proportion of respondents thought that their employers would offer time off for dependants, if asked, than thought that their employers would offer parental leave.

[1] It should be noted that these two factors (workplace size and trade union presence are, themselves, associated. Thus, across the sample, 20 per cent of respondents in workplaces with fewer than 15 employees report a trade union presence at the workplace, compared with 53 per cent of respondents in workplaces with 50-plus employees.

[2] This question was not asked in relation to paternity leave which, at the time of the research was not a statutory obligation on employers.

Table : Whether employer (not currently offering leave/time off) would offer it on reques

If you asked your employer for parental leave/time off, do you think you would get it?	Parental leave (%)	Time off for dependants (%)
Yes	43.0	59.7
No	38.1	22.5
Don't know	18.9	17.9
Unweighted base (n = 100%)	545	205

Taking the information in Table 5.6 together with that in Table 5.1 indicates that among respondents in employment:

- just under two-thirds (65.6 per cent) knew that their employer offered parental leave, or believed that the employer would offer it, if asked
- nearly three-quarters (73.8 per cent) knew that their employer offered time off for dependants, or believed that the employer would do so on request.

5.4 Whether leave/time off under the new provisions is paid or unpaid

Respondents reporting that their employers offered leave or time off under the new provisions were then asked whether this leave/time off was paid (fully or partly) or not, and the results are shown in Table 5.7.

Paternity leave (although, at the time of the research, not a statutory obligation) is the most likely of the three provisions to be paid (where offered), with nearly three-quarters of respondents whose employers provide it reporting that the leave is paid (in most cases fully paid).

Of the three provisions, parental leave, where offered, is least likely to be paid; and in cases where it is paid, it is less likely than the other provisions to be fully paid.

Table : Whether leave/time off offered under the new provisions is paid

Is leave paid?	Parental leave (%)	Time off for dependants (%)	Paternity leave (%)
Yes (fully paid)	33.1	44.9	63.7
Yes (partly paid)	23.2	17.8	8.9
No (unpaid)	24.8	25.9	12.7
Don't know	18.9	11.4	14.7
Unweighted base (n = 100%)	371	711	410

The question of whether or not the provisions (where offered) were paid, was also examined to see if there was any variation by type of employer (sector, size, union presence *etc.*), and Tables 5.8 to 5.10 summarise the results.

In the cases of time off for dependants and paternity leave, these provisions were more likely to be paid (where offered) in cases:

- where the respondent's employer was in the public or voluntary sectors
- where there were more than 15 employees in the workplace in question, and
- where the workplace was unionised.

By contrast, in the case of parental leave, the variation by employer type was generally smaller than for the other two provisions, and if anything, ran in the opposite direction in each case (*ie* the leave was slightly less likely to be paid in public sector, larger and unionised establishments).

Table 5.8: Payment of leave/time off offered under the new provisions, by public/private nature of organisation

Nature of organisation	% offering fully or partly paid leave/time off (among respondents whose employer offers the leave/time off in question)					
	Parental leave		Time off for dependants		Paternity leave	
	%	Unweighted base	%	Unweighted base	%	Unweighted base
Public sector	53.5	158	74.4	277	75.8	175
Private sector	58.5	187	61.3	386	68.7	214
Voluntary/charitable	*	10	75.0	17	87.5	13

** = fewer than 5 cases in cell.*

Table 5.9: Payment of leave/time off offered under the new provisions, by size of workplace

Size of workplace (no. of employees)	% offering fully or partly paid leave/time off (among respondents whose employer offers the leave/time off in question)					
	Parental leave		Time off for dependants		Paternity leave	
	%	Unweighted base	%	Unweighted base	%	Unweighted base
Fewer than 15 employees	57.2	37	60.8	125	62.1	43
15 employees or more	55.8	318	65.3	553	72.8	357

Table 1 : Payment of leave/time off offered under the new provisions, union presence in the workplace

	% offering fully or partly paid leave/time off (among respondents whose employer offers the leave/time off in question)					
	Parental leave		Time off for dependants		Paternity leave	
Union presence in the workplace?	%	Unweighted base	%	Unweighted base	%	Unweighted base
Yes	54.1	144	71.2	259	76.0	166
No	59.5	221	57.9	446	70.9	242

5.5 Eligibility for and take up of leave/time off under the new provisions

Respondents who reported that their employers offered leave or time off under the new provisions, were asked (in the case of parental and paternity leave) whether they had been eligible for such leave in the past year, or (in the case of time off for dependants) whether they had needed to take such time off in the last year. Those who said they were eligible for the leave or had needed to take time off were then asked whether or not they had taken the leave/time off. The results are summarised in Table 5.11 overleaf.

Fewer than one in ten of those reporting that their employers offered parental leave believed that they were eligible for parental leave during the previous year, and fewer than half of those who were eligible had actually taken the leave. Further analysis of the data (not shown in the table) indicated that 16 per cent of those reporting that their employers offered parental leave had children aged under five at the time of the survey, but it should also be recalled that under the new legislation, they would become eligible for parental leave only if their child was born on or after 15 December 1999[1].

[1] This eligibility criterion applied at the time of the research (Summer 2000). It should be noted, however, that the Government announced on 25 April 2001 new measures to extend the entitlement to parental leave. These included extending the right to parents of all children who were under five as at 15 December 1999.

Table 5.11: Whether respondent has been eligible for parental/paternity leave or has needed to take time of for dependants in the last year

Eligible for leave/needed to take time off?	Parental leave (%)			Time off for dependants (%)			Paternity leave* (%)
	Men	Women	All	Men	Women	All	
Yes, eligible for leave/needed to take time off – and took it	4.1	3.6	3.9	26.0	33.6	29.3	6.9
Yes, eligible for leave/needed to take time off – but did not take it	4.1	6.7	5.2	0.5	0.3	0.4	1.4
No, not eligible/did not need to take time off	91.9	88.6	90.4	73.4	66.1	70.2	91.6
Don't know	—	1.2	0.6	—	—	—	—
Unweighted base (n = 100%)	153	218	371	307	404	711	184

** Note that only men were asked the question about eligibility for paternity leave.*

A similarly small proportion (around eight per cent) of men who reported that their employers offered paternity leave had been eligible for it during the previous year, but the majority of these had actually taken it.

Turning to time off for dependants, it is clear that not only was this reported as being more widely on offer than the other two provisions, but that almost all of those who had needed to take such time off during the previous year had taken it. It is interesting to note, however, that further analysis of the data shows that among those reporting that their employers offer such time off, women are more likely than men to report that they have needed to take such time off during the previous year.

5.6 Potential future take-up of leave/time off under the new provisions

Respondents who were eligible for leave or who had needed to take time off under the new provisions in the last year, *and* who had taken the leave/time off, together with those who were not eligible or who had not needed to, were asked the following questions:

- *If you became eligible for parental leave (again) would you take it?*
- *If you needed to take time off for dependants (again) would you take it?*
- *If you became eligible [for paternity leave] would you take it (again)?*

As far as time off for dependants and paternity leave is concerned, the responses (Table 5.12) indicated that nearly all of this group would take the time off/leave in future, if they needed to or became eligible. A slightly smaller proportion (but still more than

four out of five) indicated that they would take parental leave in future, if they became eligible.

Table 5.12: Potential take-up of new provisions

Would respondent take leave/time off (again) under the new provisions in future?	Parental leave (%)	Time off for dependants (%)	Paternity leave (%)
Yes	82.5	98.6	96.4
No	11.9	0.6	3.1
Don't know	5.6	1.0	0.5
Unweighted base (n = 100%)	347	708	166

Note: Question was asked of those who had already taken up the provision, and those who had not yet been eligible or needed to.

5.7 Barriers to take up of leave/time off under the new provisions

Finally, those respondents who had been eligible for leave or time off under the new provision but had not taken it, together with the small number who had taken it but indicated that they would not do so again, were asked to identify the factors that would stop them taking the time off/leave.

The total numbers of respondents to these questions were too small[1] to justify presenting an analysis of the data. In each case, however, financial reasons dominated. Thus using weighted data, 37 out of 53 respondents gave affordability as the reason with regard to parental leave, seven out of eleven with regard to time off for dependants, and four out of seven with regard to paternity leave.

[1] The unweighted numbers of respondents to these questions were as follows: parental leave (43); time off for dependants (12); and paternity leave (6).

6. Awareness and Knowledge of Working Time Legislation

Key findings:

A quarter of respondents named the Working Time Regulations as an example of employment legislation (unprompted, or after being given another example of employment legislation) — this is a larger proportion than named any other employment law or right.

Nearly three quarters of respondents, when directly asked, reported having been aware of the Working Time Regulations prior to the survey.

Substantive knowledge of the provisions of the Working Time Regulations varied between the provisions. Between 7 per cent and about a third of respondents who were aware of the Working Time Regulations were able correctly to answer a question about a specific provision.

Faced with three scenarios describing possible breaches of legislation in this area, between 70 and 85 per cent of respondents identified employer actions as unlawful. The extent to which that identification was apparently founded on knowledge of the provisions in question was, however, extremely variable between the scenarios.

Respondents who assessed themselves as being well informed and knowledgeable about employment law in general did, in practice, tend to exhibit higher than average levels of awareness and knowledge about working time legislation.

Examination of the relationship between respondents' awareness/ knowledge of working time legislation and their personal characteristics revealed few clear patterns. In particular:

- There is no consistent pattern by age, although whites and men exhibit higher levels of awareness and substantive knowledge of the working time legislation than non-whites and women respectively.
- Although awareness of the working time legislation tends to be higher among better qualified people, this is not reflected in higher levels of substantive knowledge of the details of the legislation or in a greater likelihood of identifying the unlawfulness of particular scenarios relating to working time.

Similarly, awareness and knowledge of the working time legislation tend not to vary significantly with the characteristics of respondents' jobs:

- Perhaps surprisingly, there is no clear evidence of such awareness/knowledge varying with respondents' working time patterns. Thus although prompted awareness of the legislation tends to be higher among those working longer hours, as does substantive knowledge of some aspects of the legislation, this is not the case for unprompted awareness, nor indeed with regard to respondents' perception of the lawfulness or otherwise of situations relating to working time.
- Similarly although managerial and white collar employees tend to exhibit higher levels of awareness of the legislation and a greater propensity to identify unlawful situations, they do not generally exhibit greater levels of substantive knowledge of the details of the legislation.
- Apart from some tendency for employees in the smallest establishments to be less aware and knowledgeable of the working time provisions, there is no clear relationship with employment size.
- While permanent employees are more likely than temporary staff, and union members more likely than non-members to perceive an infringement of working time legislation, there is no consistent evidence that these groups have higher than average levels of awareness and knowledge of this legislation.

It does, however, appear to be the case that the minority of employees who report having experienced an infringement of their rights with regard to working time, are also considerably more knowledgeable than average about the details of the working time legislation.

The majority of respondents (around four in five, depending on the situation) faced with what they perceive to be an infringement of their rights with regard to working time, claim that they would take action in such circumstances.

In this chapter we present findings related to various measures of respondents' awareness and knowledge of working time legislation, particularly the provisions of the *Working Time Regulations 1998*. Once again[1], we start with informed awareness (unprompted or partly prompted), and move on to prompted awareness, before looking at respondents' substantive knowledge of aspects of working time legislation, and concluding with an examination of their responses to three hypothetical situations or 'scenarios' relating to violations of working time legislation.

[1] For further explanation of the different definitions of 'awareness' and 'knowledge' deployed in this chapter, and throughout the report, see Chapter 2.

6.1 Informed awareness (unprompted/partly prompted)

In this section we examine the responses to the question:

'Can you tell me of any laws that protect your rights at work?'

focusing on responses where the individual named a law relating to working time legislation, either unprompted, or after an example of such a right was given.

As Table 3.5 in Chapter 3 showed, the Working Time Directive was, in fact, the piece of legislation most commonly named by respondents in response to this question (unprompted or partly prompted). Nearly a quarter of respondents were able to cite this legislation.

In Tables 6.1 to 6.3, therefore, we present a more detailed breakdown of this group of respondents, looking at their personal and employment characteristics, as well as whether they had had prior experience of employment problems.

Table 6.1: Informed awareness of working time legislation by personal characteristics

Personal characteristic	Informed awareness (unprompted/partly prompted) (%) Named a right related to working time	Unweighted base (n =100%)
Gender (%)		
Male	24.6	444
Female	24.1	556
Ethnic origin (%)		
White	25.6	949
Non-white	5.6	45
Age (%)		
16-25	23.4	139
26-35	24.7	273
36-45	28.1	276
46-55	24.6	228
56-64	11.1	81
Highest qualification (%)		
No qualifications	12.2	150
NVQ 1	11.5	96
NVQ 2	25.8	221
NVQ 3	25.5	173
NVQ 4	28.3	283
NVQ 5	33.8	66

Note: all percentages are row percentages.

Looking first at personal characteristics (Table 6.1):

- There is no difference in informed awareness of working time legislation by gender.
- Whites are more likely than non-whites to be aware of the working time legislation.
- Awareness increases with age up to the 36-45 age range, and then declines, before falling sharply in the oldest (56 plus) age range.
- Awareness of the working time legislation increases with educational level, such that those qualified to NVQ Level 5 or equivalent are nearly three times as likely to be aware of the legislation than those with NVQ Level 1 or less.

Table 6.2 looks at how this measure of informed awareness of working time legislation varies with the characteristics of respondents' jobs, and shows the following:

- In line with the educational patterns recorded above, there is some tendency for those in higher level managerial and professional occupations to record higher awareness levels than those in manual and less skilled areas. As with many employment rights, however, it needs to be borne in mind that a high level of awareness among managerial employees may reflect their needing to be aware of or understand such legislation in their role as managers.
- There is some sectoral variation as well, with the highest levels of awareness in business and financial services, distribution, catering *etc.*, and the lowest levels recorded in primary and extractive and other services. It is possible that awareness here is influenced by working time patterns in the different sectors – thus, for example, high levels of awareness in catering and distribution may reflect the prevalence of long hours or particular shift patterns in those sectors. More detailed analysis at enterprise level would, however, be necessary to explore these issues in more depth.
- There is no consistent or clear variation in awareness by establishment size.
- Temporary workers have higher levels of unprompted/partly prompted awareness of working time legislation than their permanent colleagues. Again, the reasons for this are not wholly clear, but it is possible, for example that some of the rights granted in the Working Time Regulations (*eg* entitlement to paid leave) are of particular concern to some groups of temporary staff.
- Union members are less likely than non-union members to cite the Working Time Regulations (unprompted or partly prompted).
- There is no clear variation by working time.

Table 6.2: Informed awareness of working time legislation by employment characteristics

Employment characteristic	Informed awareness (unprompted/partly prompted) Named a right related to working time (%)	Unweighted base (n =100%)
Occupation (%)		
Managerial/admin	36.6	183
Professional/technical	23.2	196
Assoc. professional/technical	29.6	96
Clerical/secretarial	18.2	158
Craft/skilled manual	18.4	84
Personal/protective services	17.8	71
Sales	23.8	69
Plant/machine operatives	23.4	28
Other unskilled	20.6	101
Sector (%)		
Primary & extractive	10.5	21
Manufacturing, utilities & construction	24.5	198
Distribution, catering, transport *etc.*.	26.4	234
Business and financial services	28.7	99
Public admin, education and health	21.0	313
Other services	18.3	68
Size of workplace (employees) (%)		
Under 15	23.8	173
15-49	17.7	198
50-199	25.2	211
200-499	26.6	123
500-1999	20.7	105
2000+	28.4	91
Employment status (%)		
Permanent	23.5	885
Temporary	31.0	102
Working time (%)		
Under 16 hours p.w.	24.1	75
16-34 hours p.w.	15.7	174
35 + hours p.w.	25.8	751
Union membership (%)		
Member	19.9	333
Non- member	26.2	642

Note: all percentages are row percentages.

Finally in this section, Table 6.3 shows that those with experience of problems at work, in relation to working time are more likely to mention the Working Time Regulations (unprompted or partly prompted) than are respondents who have had work problems in relation to other areas or employment rights, or those who have had no such problems.

Table 6.3: Informed awareness of working time legislation by experience of problems at work relating to this area of law

Experience of problem in relation to working time	Informed awareness (unprompted/partly prompted)	
	Named a right related to working time (%)	Unweighted base (n =100%)
Had experience of this area of law	37.9	31
Experienced problems but not with this area of law	26.5	133
No problems with employment law	23.6	836

Note: all percentages are row percentages.

6.2 Informed awareness (prompted)

Following the unprompted and partly prompted awareness questions reported in the previous section, respondents were asked, in each area of legislation, a direct question about their awareness of one specific piece of legislation in that area.

In the area of working time, the piece of legislation chosen to test prompted awareness was the Working Time Regulations. Thus, respondents were asked:

> *'Another employment right covers annual leave, in-work rest breaks and puts a limit on the number of hours people can be made to work each week. Were you aware of that right?'*

As reported in Chapter 3 (Table 3.6), 72 per cent of respondents claimed prior awareness of the Working Time Regulations, when asked this direct question. In this section, we look at the personal, employment and experiential characteristics of these individuals (in Tables 6.4 to 6.7).

Looking first at personal characteristics (Table 6.4), it can be seen that:

- men are more likely to be aware of the Working Time Regulations than women
- a higher proportion of white than non-white respondents report awareness of the Working Time Regulations

Table 6.4: Prompted awareness of working time legislation by personal characteristics

Personal characteristic		Prompted awareness: Aware of working time legislation	Unweighted base (n =100%)
Gender (%)			
	Male	75.8	444
	Female	67.5	556
Ethnic origin (%)			
	White	72.7	949
	Non-white	63.0	45
Age (%)			
	16-25	66.0	139
	26-35	66.9	273
	36-45	77.3	276
	46-55	77.1	228
	56-64	69.9	81
Highest qualification (%)			
	No qualifications	56.1	150
	NVQ 1	68.2	96
	NVQ 2	71.8	221
	NVQ 3	76.5	173
	NVQ 4	76.6	283
	NVQ 5	75.4	66

Note: all percentages are row percentages.

- there is some tendency for awareness of the working time legislation to increase with age, being higher in the 36-55 age ranges, than in the 16-35 ranges, although awareness declines again in the oldest (56 plus) age group
- awareness also tends to increase with educational level, such that those with no qualifications are least likely to name the working time legislation in response to this question, and those who are qualified to NVQ Level 3 or above are most likely to report awareness.

Table 6.5 looks at awareness of the working time legislation by the characteristics of the respondent's job, and key points from the table are as follows:

- There is no strong variation in awareness by occupational level, although there is some tendency for 'white collar' occupations (managerial, professional, technical, clerical *etc.*) to record higher levels of awareness than the manual and lower skilled occupations.

Table 6.5: Prompted awareness of working time legislation, by employment characteristics

Employment characteristic	Prompted awareness: Aware of working time legislation	Prompted awareness: Unweighted base (n = 100%)
Occupation (%)		
Managerial/admin	80.1	183
Professional/technical	79.3	196
Assoc. professional/technical	84.7	96
Clerical/secretarial	73.9	158
Craft/skilled manual	66.4	84
Personal/protective services	55.6	71
Sales	58.3	69
Plant/machine operatives	76.3	28
Other unskilled	61.9	101
Sector (%)		
Primary & extractive	84.2	21
Manufacturing, utilities & construction	71.6	198
Distribution, catering, transport *etc.*	69.9	234
Business and financial services	69.1	99
Public admin, education and health	78.2	313
Other services	66.1	68
Size of workplace (employees) (%)		
Under 15	59.2	173
15-49	71.4	198
50-199	77.3	211
200-499	79.2	123
500-1999	78.4	105
2000+	78.0	91
Employment status (%)		
Permanent	72.7	885
Temporary	70.5	102
Working time (%)		
Under 16 hours p.w.	48.1	75
16-34 hours p.w.	67.2	174
35 + hours p.w.	74.7	751
Union membership (%)		
Member	79.1	333
Non- member	68.7	642

Note: all percentages are row percentages.

- In sectoral terms, the highest level of awareness is in the primary and extractive sectors (although small cell sizes dictate caution here, particularly given the contrast between this finding and the finding for unprompted/partly prompted awareness, presented above), followed by the public administration, education and health sectors.
- There is a relationship with workplace size – those in the smallest workplaces (fewer than 15 employees) are least aware of the working time legislation, while those in workplaces with 200 or more employees have the highest reported level of awareness.
- Permanent employees are slightly more likely than temporary employees to be aware of the legislation; and not surprisingly, awareness of the legislation appears to increase significantly with the number of hours worked per week by the respondent (this differs from the pattern observed for unprompted/partly prompted awareness above, where there was no clear pattern by working time).
- Finally, union members are more likely to be aware of the legislation than non-members (this more intuitive result, again contrasts with that for unprompted/partly prompted awareness above).

Finally, Table 6.6 shows that there is no clear relationship between experience of problems at work, and prompted awareness of the working time legislation. Thus although respondents with experience of problems at work which relate to their employment rights are slightly more likely than others to report awareness of working time legislation, those who have had specific problems in relation to working time are actually slightly less likely to report awareness than those who have experienced problems in other areas of employment law.

Table 6.6: Prompted awareness of working time legislation, by experience of problems at work relating to this area of law

	Prompted awareness	
Experience of problem in relation to working time	**Aware of working time legislation**	**Unweighted base (n = 100%)**
Had experience of this area of law (%)	72.4	31
Experienced problems but not with this area of law (%)	75.6	133
No problems with employment law (%)	71.8	836

Note: all percentages are row percentages.

6.3 Substantive knowledge

In this section we present the results of the substantive knowledge-testing questions, which were asked of respondents who had already responded to a prior question indicating that they had been aware of the particular employment right, their knowledge of which was being tested (in this case, the Working Time Regulations).

6.3.1 Details of the knowledge-testing questions

Five detailed knowledge questions were asked (four open questions and one multiple choice), covering the main provisions of the Working Time Regulations, and the responses to each of these are summarised in Table 6.7 below.

It is interesting to note, among those who got the answer wrong, that in three of the five cases (maximum weekly working hours, daily in-work rest break entitlement, and weekly rest break entitlement) the majority assumed that the provision was *more generous* to the employee than is in fact the case. In the other two cases (entitlement to hours off in a 24 hour period, and entitlement to paid annual leave), the majority believed the provision was *less generous* than it actually is. The details are set out below.

Maximum weekly working hours

Thirty per cent of those asked the question about the average maximum weekly working hours (*ie* those who were already aware of the Working Time Regulations), gave a response within one hour of the correct response (48 hours); around 60 per cent gave an incorrect answer, and the rest did not know. The majority of those giving an incorrect answer, *under-estimated* the working hours limit (*ie* they thought that the maximum average working time under the Working Time Regulations was less than 48 hours).

Hours off, in a 24 hour period

A similar proportion gave the correct answer (11 hours – to within one hour) to the question regarding the right to time off during a 24 hour period. A higher proportion (almost a third of those aware of the Working Time Regulations) did not know the answer to this question, and among the approximately 40 per cent who got the answer wrong, the majority *under-estimated* workers' entitlement to daily time off.

'able 6.7: Details of knowledge questions for working time legislation

Question	Question type	Response option	% of those asked question	% of total sample
Please tell me what you think the average weekly limit is for working hours. **(limit on working hours)**	Open			
		Underestimate	50.1	37.3
		Correct answer (48 to within one hour)	**30.4**	**22.7**
		Overestimate	8.6	6.4
		Don't know	11.1	8.3
		Unweighted base (N =100%)	743	1000
There is also a right within any 24 hours to a set number of hours off, please tell me how many hours you think this is. **(daily hours off)**	Open			
		Underestimate	36.8	26.9
		Correct answer (11 to within one hr.)	**26.1**	**19.1**
		Overestimate	5.8	4.3
		Don't know	31.3	22.9
Workers have the right to a number of weeks of paid leave each year. How many weeks is this? **(annual leave)**	Open			
		Underestimate	32.0	23.4
		Correct answer (4)	**32.7**	**24.0**
		Overestimate	10.6	7.7
		Don't know	24.8	18.2
After working a certain number of hours in one day, employees are entitled to an in work rest break. How many hours have to be worked? **(in work rest break)**	Open			
		Underestimate	72.6	53.2
		Correct answer (6)	**6.8**	**5.0**
		Overestimate	6.6	4.8
		Don't know	13.9	10.2
Workers are entitled to a weekly rest break. Is this...? **(weekly rest break)**	Multiple choice (3 options)			
		2 days a week	29.9	21.9
		2 days over a fortnight	**19.9**	**14.5**
		3 days over a fortnight	12.1	8.8
		Don't know	38.2	28.0
		Unweighted base (n = 100%)	736	1000

Note: the number of respondents to the first question differs slightly from the numbers to the subsequent questions, because those who responded 'don't know' to the first question, and who had also responded 'don't know' to the prior question about awareness of the Working Time Regulations, were not asked the subsequent questions (see questionnaire in Appendix 4).

Paid annual leave

More respondents (nearly a third) answered the question regarding the minimum statutory entitlement to paid leave correctly (four weeks per year) than answered any of the other substantive knowledge questions about working time correctly. Around 45 per cent got the answer wrong, the majority *under-estimating* the minimum entitlement.

Daily rest break

The working time question which was answered correctly least often (by only seven per cent of respondents) related to the number of hours worked in a day, after which employees are entitled to an in-work rest break (the correct answer is six). Nearly 80 per cent of respondents attempted an answer, and got it wrong, most of whom *under-estimated* the number of hours after which a rest break is mandatory.

Weekly rest break

Finally, just under one in five respondents knew that workers are entitled to a weekly rest break, which must amount to at least 2 days a fortnight. Given that this was a multiple choice question, with three options, the proportion getting it right was smaller than one would expect if they were answering randomly. Of the 42 per cent who gave an incorrect answer, the majority (just under two thirds) thought that the provision was *more generous* to the employee (*ie* two days a week)

6.3.2 Substantive knowledge by self assessed awareness/knowledge

In Table 6.8 we compare respondents' self-assessments of their levels of awareness and knowledge about employment rights in general, with their levels of knowledge about working time legislation in particular.

In most cases there is a broad, if not very strong, relationship in the expected direction, and substantive knowledge of the features of the working time legislation is generally highest among those who rate themselves as well-informed and knowledgeable. The exception is the entitlement to annual leave, the question relating to which is answered correctly most often by those in the 'not well informed and not interested category', but the small numbers in this category dictate caution.

Table 6.8: Knowledge of working time legislation by self assessed awareness/knowledge combined

	Substantive knowledge						
	Limit on working hours		Daily hours off	Annual leave	In-work rest break	Weekly rest break	
Self assessed awareness/knowledge	Correct	Unweighted base	Correct	Correct	Correct	Correct	Unweighted base
Well informed and knowledgeable (%)	33.5	145	32.8	43.7	9.8	18.7	144
Well informed but could know more (%)	31.0	397	26.9	25.9	7.2	21.4	394
Not well informed and could know more (%)	25.5	182	19.0	38.0	4.7	17.5	179
Not well informed and not interested (%)	29.4	19	29.4	52.9	*	*	19

Note: percentages are row percentages.
** = fewer than five respondents in cell.*

6.3.3 Substantive knowledge by individual characteristics

This section looks at how substantive knowledge about individual aspects of working time legislation varied with respondents' personal and employment characteristics and their prior experience of problems at work.

Personal characteristics

Looking first at respondents' personal characteristics, key features (shown in Table 6.9) are:

- Men are generally more likely than women to exhibit substantive knowledge about most aspects of the working time legislation.
- In all cases, white respondents were more likely to give the correct answer to the questions on specific aspects of working time legislation than non-white respondents.
- There was no consistent pattern by age in substantive knowledge of these rights.
- There was no consistent variation in substantive knowledge by educational level across the five aspects of the working time legislation examined.

Table 6.9: Knowledge of working time legislation by personal characteristics

	Substantive knowledge						
	Limit on working hours		Daily hours off	Annual leave	In-work rest break	Weekly rest break	
Personal characteristics	Correct	Unweighted base	Correct	Correct	Correct	Correct	Unweighted base
Gender (%)							
Male	37.5	343	27.6	26.2	6.4	21.8	341
Female	19.8	400	23.9	23.9	7.6	16.9	395
Ethnic origin (%)							
White	31.3	708	26.8	33.5	7.2	20.2	701
Non-white	6.1	29	14.7	17.6	2.9	17.6	29
Age (%)							
16-25	14.5	93	23.4	39.1	9.7	15.2	92
26-35	29.3	197	26.6	32.3	6.3	19.8	194
36-45	36.9	215	23.7	29.3	7.2	19.1	214
46-55	37.9	179	28.2	33.7	7.4	18.8	178
56-64	11.5	57	24.0	35.3	2.0	29.4	56
Highest qualification (%)							
No qualifications	18.6	93	13.8	29.8	3.6	15.8	91
NVQ 1	37.3	60	21.3	19.7	1.7	21.7	60
NVQ 2	26.7	168	31.0	39.2	7.2	22.0	167
NVQ 3	28.7	128	28.3	40.7	5.9	15.4	125
NVQ 4	35.5	232	23.2	27.9	9.5	20.2	231
NVQ 5	34.6	54	34.0	25.0	3.9	22.6	54

Note: all percentages are row percentages.

Employment characteristics

As far as employment characteristics are concerned (Table 6.10), the dominant finding is that, with very few exceptions, there is no clear tendency for substantive knowledge of the working time provisions to vary with the job or workplace characteristics. In particular:

- There are no strong or consistent patterns of variation in substantive knowledge of working time provisions by respondents' occupational level. Thus, for example, although in most cases, knowledge of the provision is more widespread than the average among managers/administrators, this group did not give the highest proportion of correct responses to any of the five questions, and in each case, the highest proportion was to be found in a different occupational group.

Table 6.10: Knowledge of working time legislation by employment characteristics

	Substantive knowledge						
	Limit on working hours		Daily hours off	Annual leave	In-work rest break	Weekly rest break	
Employment characteristics	Correct	Unweighted base	Correct	Correct	Correct	Correct	Unweighted base
Occupation (%)							
Managerial/admin	39.7	156	29.8	42.9	9.9	22.0	156
Professional/technical	28.6	161	25.9	27.7	5.4	16.8	160
Assoc. professional/technical	33.3	80	30.9	30.5	10.6	22.6	80
Clerical/secretarial	18.4	113	21.3	39.2	10.8	19.6	112
Craft/skilled manual	28.7	62	30.7	16.9	2.7	22.4	60
Personal/protective services	35.8	40	19.6	54.0	6.0	23.5	39
Sales	10.7	41	27.7	26.5	6.1	16.7	40
Plant/machine operatives	50.0	20	20.7	21.1	1.8	10.2	20
Other unskilled	19.1	62	24.4	34.1	0.0	22.0	61
Sector (%)							
Primary & extractive	28.9	16	26.7	31.3	*	*	16
Manufacturing, utilities & construction	41.1	141	35.3	20.7	6.3	20.5	139
Distribution, catering, transport *etc.*	32.5	174	23.0	37.4	7.1	16.6	171
Business and financial services	26.5	73	22.4	38.8	6.1	21.2	73
Public admin, education & health	27.0	244	22.7	31.9	6.1	19.2	124
Other services	27.8	45	37.5	46.2	14.6	27.5	45
Size of workplace (employees) (%)							
Under 15	18.9	112	15.9	32.2	3.3	17.6	112
15-49	34.2	137	25.5	37.3	8.7	30.2	135
50-199	40.2	170	27.3	31.9	8.6	15.5	168
200-499	26.9	98	36.5	29.6	6.1	19.1	96
500-1999	38.6	81	25.8	30.7	9.0	16.9	81
2000+	33.9	76	28.1	33.8	3.1	18.5	76
Employment status (%)							
Permanent	32.9	666	27.3	32.5	7.4	19.2	660
Temporary	15.2	69	18.0	36.3	3.3	24.2	68
Working time (%)							
Under 16 hours p.w.	19.2	43	7.6	48.1	7.4	21.4	43
16-34 hours p.w.	11.6	118	22.6	28.3	7.7	22.6	116
35 + hours p.w.	33.7	582	27.5	32.7	6.6	19.4	577
Union membership (%)							
Member	34.1	269	27.3	30.0	8.5	18.5	266
Non-member	29.1	458	26.3	35.3	6.0	20.7	454

Note: percentages are row percentages.
** = fewer than five respondents in cell.*

- There are, similarly, no clear or consistent patterns in substantive knowledge of these provisions by sector of employment or size of workplace (although as far as the latter is concerned, in most cases those in the very smallest workplaces are less likely to exhibit substantive knowledge of the provisions than those in larger workplaces).
- Permanent employees are more likely to answer the substantive questions correctly in three of the five cases.
- Two of the questions which relate most directly to working hours (the weekly maximum and the daily entitlement to hours off) are more likely to be answered correctly by full time employees, but there is no clear pattern to the other three.
- Finally, there is no clear tendency for union members to exhibit greater knowledge levels than non-members. In only three out the five questions did more members than non-members get the answer right.

Experience of problems at work

As Table 6.11 shows (although there are relatively small numbers in this category), having had previous experience of problems at work relating to rights under working time legislation is associated with a greater (sometimes substantially greater) likelihood of answering correctly the substantive knowledge questions about working time legislation.

Table 6.11: Knowledge of working time legislation by experience of problems at work

	Substantive knowledge						
Experience of problem	Limit on working hours Correct	Un-weighted base	Daily hours off Correct	Annual leave Correct	In-work rest break Correct	Weekly rest break Correct	Un-weighted base
Had experience of this area of law (%)	40.9	21	31.8	47.6	22.7	36.4	21
Experienced problems but not with this area of law (%)	32.0	98	14.0	36.0	3.1	15.0	98
No problems with employment law (%)	29.8	624	27.7	31.7	6.8	20.1	617

Note: all percentages are row percentages.

6.4 Perception of entitlements (scenarios)

As in the other areas of employment legislation, respondents were presented with a series of three scenarios relating to hypothetical breaches of rights in the broad area of working time, and asked to identify whether the action in question was lawful or not. The three areas were as follows:

Annual leave

A friend of yours is told by their employer that, due to a fall in profits at the organisation, his annual holiday entitlement will be cut from four weeks to three weeks a year.

Sick pay

A friend becomes ill, and is signed off sick by their doctor for 2 weeks. Their employer tells them that they won't be paid for any of this time off.

Working hours

Your friend works in a factory where the official working week is 45 hours. However, people have always worked more like a 50 or 60 hour week, despite the fact that they get the same wage regardless of the number of hours they work. Wages at the factory have always been considered good. The employer decides to limit the working week to 48 hours in line with recent legislation, but tells your friend that his salary will also have to be cut.

6.4.1 Extent to which respondents identified scenarios as unlawful

As Table 6.12 shows, the vast majority of respondents (85 per cent) identified the hypothesised cut in annual leave entitlement as unlawful. Somewhat smaller, but still substantial majorities also identified the other two scenarios as unlawful.

Table 6.12: Perception of entitlement re: working time legislation

	Scenario concerned		
Perception of entitlement	**Annual leave (%)**	**Sick pay (%)**	**Working hours (%)**
Identified as unlawful	84.6	74.3	70.9
Unable to identify as unlawful	15.4	25.7	29.1
Unweighted base (n = 100%)	213	186	190

6.4.2 Perception of entitlement by self assessed awareness/knowledge

Table 6.13 compares self-assessed general awareness and knowledge of employment rights, with respondents' perceptions of the lawfulness of the three scenarios relating to working time. As far as two of the three scenarios are concerned (those relating to annual leave entitlement, and the entitlement to salary while on sick leave), the pattern is broadly in the expected direction – *ie* those who assess themselves as well informed and knowledgeable, are more likely to identify the scenario described as unlawful. This pattern is not, however, in evidence with regard to the third scenario (relating to the lawfulness of a reduction in wages associated with compliance with the Working Time Regulations limit on the working week).

Table 6.13: Perception of entitlement re: working time legislation by self assessed awareness/knowledge

	Perception of entitlement					
	Annual leave		Sick pay		Working hours	
Self assessed awareness/knowledge	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base
Well informed and knowledgeable (%)	97.1	37	83.9	33	64.7	34
Well informed but could know more (%)	84.1	109	76.5	101	68.7	98
Not well informed and could know more (%)	79.7	60	62.0	47	77.8	55
Not well informed and not interested (%)	75.0	7	100	5	*	3

Note: all percentages are row percentages.
** = fewer than 5 respondents in cell.*

6.4.3 Perception of entitlement by individual characteristics

Table 6.14 shows how responses to the scenario questions on working time vary with personal characteristics. Generally speaking the results suggest that there is no consistent variation in responses by personal characteristics, across the three scenarios. Thus:

- There is no clear pattern by gender (women are more likely to identify breaches of legislation in two of the cases, and less likely in the third).
- Similarly there is no consistent age pattern, although in the scenarios relating to sick pay and working hours, the youngest respondents (16-25 year olds) are significantly less likely than others to identify the scenario as unlawful.

Table 6.14: Perception of entitlement of working time legislation by personal characteristics

	Perception of entitlement					
	Annual leave		Sick pay		Working hours	
Personal characteristics	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base
Gender (%)						
Male	79.8	93	71.4	83	76.5	83
Female	90.0	120	77.9	103	64.1	107
Ethnic origin (%)						
White	84.4	204	73.4	174	70.4	179
Non-white	88.9	8	85.7	8	80.0	11
Age (%)						
16-25	84.1	33	52.0	20	48.0	22
26-35	86.6	61	82.6	44	71.1	51
36-45	83.1	49	78.0	50	81.1	55
46-55	81.6	34	73.5	54	77.3	44
56-64	100	7	66.7	18	53.8	18
Highest qualification (%)						
No qualifications	85.7	23	66.7	26	75.0	34
NVQ 1	100	20	76.9	22	83.3	15
NVQ 2	73.4	50	77.4	43	73.3	37
NVQ 3	83.3	38	59.3	29	64.9	32
NVQ 4	93.4	61	85.2	55	74.0	57
NVQ 5	81.0	19	45.5	10	*	11

Note: all percentages are row percentages.

- Neither is there a clear pattern by level of education, and once again it is not the case that those with higher levels of qualification are consistently more likely to identify the unlawfulness of these scenarios related to working time issues.
- However, when ethnic group is examined, non-white respondents are consistently more likely to identify each of the three scenarios as unlawful (although the very small cell sizes indicate that caution should be exercised in drawing conclusions from this).

Turning to employment characteristics (Table 6.15) there are no clear patterns by sector or size of workplace. Neither does the working time pattern of the respondent appear to be an influence on the answer to the scenario responses.

Table 6.15: Perception of entitlement of working time legislation by employment characteristics

Personal characteristics	Perception of entitlement					
	Annual leave		Sick pay		Working hours	
	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base
Occupation (%)						
Managerial/admin	91.7	38	72.7	34	61.8	33
Professional/technical	94.3	44	88.5	40	70.0	32
Assoc. professional/technical	89.3	27	62.5	19	66.7	14
Clerical/secretarial	93.5	28	91.3	33	85.7	30
Craft/skilled manual	69.0	21	55.6	15	88.2	14
Personal/protective services	73.3	15	81.3	11	53.8	14
Sales	100	14	100	7	52.2	18
Plant/machine operatives	50.0	4	66.7	3	85.7	6
Other unskilled	72.7	19	61.1	21	73.3	25
Sector (%)						
Primary & extractive	100	5	100	3	66.7	4
Manufacturing, utilities & construction	84.4	33	77.1	47	91.5	29
Distribution, catering, transport *etc.*	88.5	56	67.7	31	71.4	50
Business and financial services	93.8	19	65.5	27	75.0	17
Public admin, education & health	82.7	63	91.4	53	65.4	70
Other services	92.3	15	80.0	13	55.6	11
Size of workplace (no. of employees) (%)						
Under 15	93.3	36	81.3	31	72.2	30
15-49	76.2	44	92.0	28	80.0	44
50-199	89.6	45	78.6	34	67.4	44
200-499	78.1	26	85.3	25	58.1	23
500-1999	96.0	22	65.0	25	83.3	19
2000+	92.9	17	44.4	23	61.5	13
Employment status (%)						
Permanent	89.1	181	78.8	167	74.0	169
Temporary	72.5	29	39.1	16	45.5	18
Working time (%)						
Under 16 hours p.w.	73.3	18	100	11	68.8	20
16-34 hours p.w.	87.1	36	87.5	27	80.0	37
35 + hours p.w.	85.1	159	71.9	148	69.1	133
Union membership (%)						
Member	89.3	58	75.0	50	74.5	55
Non-member	86.9	125	72.0	92	69.2	79

Note: all percentages are row percentages.

As far as occupation is concerned, small numbers in some of the occupational groups limit the possibilities of statistical analysis, but in so far as a pattern is evident, it would seem that 'white collar' or non-manual workers (managerial and administrative, professional, clerical and secretarial) are more likely to perceive the unlawfulness of the different scenarios, than respondents in lower level or manual occupations.

The most consistent patterns in the employment characteristics relate to:

- Union membership: In all three scenarios, union members are more likely to identify an infringement than non-members (although the difference is quite small).
- Employment status: This is the most pronounced result in the table – in each case, permanent employees are substantially more likely than their temporary counterparts to take the view that the situation described in the scenario is unlawful.

6.5 How far are perceptions based on knowledge?

In this section we look at the extent to which responses identifying the scenarios about working time as unlawful are, in fact, associated with some knowledge on the respondent's part about the area of law involved.

Table 6.16 shows that although a higher proportion of respondents were able to identify the cut in annual leave scenario as unlawful, than was true of the other scenarios, they were much less likely than in the other cases to know the area of law that this was based on. Similarly, only two fifths of those identifying the pay cut associated with working time reduction could identify the provisions covering the unlawfulness of this action. By contrast, nearly three quarters of those responding that the refusal to pay sick pay was unlawful appeared to have their response founded in some knowledge of the relevant right in law.

Table 6.16: Whether perception of entitlement for working time legislation is based on knowledge

	Scenario		
Whether perception of entitlement is based on knowledge	**Annual leave (%)**	**Sick pay (%)**	**Working hours (%)**
Named relevant area of law	26.8	73.6	39.3
Named other area of law/don't know	73.2	26.4	60.7
Unweighted base (n = 100%)	185	148	138

From Table 617 we can see that there is no clear relationship between respondents' self-assessments of their levels of awareness/knowledge about employment rights in general, and their ability to judge the working-time related scenarios as unlawful on the basis of knowledge. Only in the case of the proposed cut in annual leave did it appear that those who saw themselves as well-informed and knowledgeable were indeed more likely to judge this scenario as unlawful on the basis of knowledge (and we have seen that this scenario was, overall, the least likely of the three scenarios to be judged unlawful on the basis of some knowledge).

Table 6.17: Knowledgeable perception of working time legislation by self-assessed awareness/knowledge

	Knowledgeable perception of entitlement (*ie* respondent named relevant area of law)								
	Annual leave			Sick pay			Working hours		
Self-assessed awareness/ knowledge	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recog'g scenario as unlawful)	Relevant (% of all asked scenario question)	Un-weigh-ted base	Relev't % of those recog'g scenario as unlawful)	Relevant (% of all asked scenario question)	Un-weigh-ted base
Well informed and knowledgeable (%)	41.2	40.0	35	73.1	61.3	25	27.3	17.6	20
Well informed but could know more (%)	21.3	17.9	93	76.0	58.2	83	38.2	26.3	72
Not well informed and could know more (%)	27.5	21.9	51	71.0	44.0	35	47.2	37.0	43
Not well informed and not interested (%)	*	*	6	*	*	5	*	*	3

Note: all percentages are row percentages.
** = fewer than five respondents in cell.*

Again small cell sizes limit the extent of possible analysis by personal and other characteristics of respondents, but as Table 6.18 shows, using a limited number of comparator variables, there is no systematic relationship between:

- any of gender, hourly pay levels, working time patterns, or union membership, on the one hand, and
- the likelihood that respondents' assessments of the unlawfulness of the working time scenarios are based on knowledge, on the other hand.

Table 6.18: Knowledgeable perception of working time legislation by individual characteristics

Characteristic	Knowledgeable perception of entitlement (*ie* respondent named relevant area of law)								
	Annual leave			Sick pay			Working hours		
	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base
Gender (%)									
Male	26.3	21.0	77	76.0	54.3	60	31.2	23.8	57
Female	27.8	25.0	108	70.5	55.1	88	52.0	33.3	81
Working time (%)									
Under 16 hours p.w.	*	*	15	83.3	36.4	11	36.4	25.0	16
16-34 hours p.w.	29.6	25.8	33	71.4	45.0	23	45.0	36.0	30
35 + hours p.w.	27.0	23.0	137	73.9	38.5	114	38.5	26.6	92
Hourly rate of pay (%)									
Less than £5.00 an hour	17.9	16.3	36	88.9	58.5	27	50.0	38.7	32
£5.00 to £7.40	28.0	23.3	24	40.7	36.7	28	*	10.3	26
£7.40 to £10.96	45.5	38.5	31	73.1	65.5	26	51.5	41.5	26
£10.97 and more	20.5	17.0	41	76.9	57.1	30	90.0	62.5	17
Union membership (%)									
Member	24.0	21.4	58	76.2	57.1	50	34.1	25.5	55
Non- member	27.8	24.2	125	69.4	50.0	92	39.8	27.5	79

Note: all percentages are row percentages.
**= fewer than five respondents in cell.*

6.6 Taking action

Finally, those individuals identifying a scenario as unlawful were asked whether they would take action (such as seeking advice from an independent source or discussing the matter with the employer) if they found themselves in that situation. Once again, the pattern is consistent across all three scenarios (Table 6.19). In each case the vast majority (around nine in ten) respondents faced with this situation believed that they would take action as a result.

Table 6.20 shows how the propensity to take action in each of the scenarios varies with some key individual characteristics:

- Men are more likely to take action over the reduction in annual leave and the reduction of pay associated with a 48

hour week. Women, however, are slightly more likely to take action over the non-payment of sick pay.

- There is no strong pattern by pay levels, but generally speaking the least well paid are less likely than average to take action.
- There is no consistent pattern across the scenarios by working time, possession of a statement of terms and conditions, or union membership.

Table 6.19: Whether individuals would take action if scenarios related to working time happened to them

Whether individual would take action in that situation	Scenario		
	Annual leave	Sick pay	Working hours
Yes, would take action	91.1	88.6	91.2
No, would not take action	8.9	11.4	8.8
Unweighted base (n = 100%)	185	148	138

Table 6.20: Propensity to take action in working time scenarios by individual characteristics

Individual characteristic	Scenario					
	Annual leave		Sick pay		Working hours	
	% would take action	Unweighted base	% would take action	Unweighted base	% would take action	Unweighted base
Gender (%)						
Male	92.6	77	86.7	60	94.8	57
Female	89.0	108	90.2	88	86.0	81
Working hours (%)						
Under 16 hours	100	15	100	11	90.9	16
16-35 hours	88.9	33	85.7	23	85.7	30
Over 35 hours	90.5	137	87.9	114	91.8	92
Hourly rate of pay (%)						
Less than £5.00 an hour	89.7	36	81.5	27	82.6	32
£5.00 to £7.40	92.0	26	92.6	28	87.0	26
£7.40 to £10.96	84.8	31	96.0	26	100	26
£10.97 and more	92.3	41	92.3	30	81.8	17
Statement of terms & conditions? (%)						
Yes	90.4	157	89.7	121	91.6	113
No	96.0	26	80.0	21	87.5	21
Union membership (%)						
Member	91.8	58	88.1	50	92.7	55
Non-member	91.0	125	87.2	92	90.4	79

Note: all percentages are row percentages.

7. Awareness and Knowledge of Rights in Relation to Wages, Terms and Conditions (including the National Minimum Wage)

Key findings

Only around seven per cent of respondents cited provisions related to wages, terms or conditions in response to an unprompted/partly prompted request to cite examples of employment rights.

However, in response to a prompted question, nearly all respondents (96 per cent) reported being aware of the National Minimum Wage (NMW) as an example of law in this area.

Over half the respondents exhibited substantial knowledge of the level of the NMW and 80 per cent knew that it applies from day one of employment.

Most respondents (78 to 90 per cent depending on the scenario) identified infringements of employment law in the area of wages, terms and conditions, when presented with three hypothetical scenarios. The majority of this group, in turn (76-89 per cent) showed that their recognition of an infringement was based on some knowledge of the relevant legislation. An even higher proportion (85-94 per cent) said that faced with a similar infringement themselves they would take action.

Those who assessed themselves as having high levels of awareness/knowledge of employment law in general also demonstrated greater than average levels of substantive knowledge of the details of the NMW provisions.

Male, white, and better qualified respondents are more likely to cite examples from this area of law. By contrast, women and non-white employees are more likely to demonstrate substantive knowledge of the provisions of the NMW.

Awareness (unprompted or prompted) of wages, terms and conditions legislation in general, and the NMW in particular appears to be lowest in the lower level manual and service occupations, and in low paid occupations. And (prompted) awareness of the NMW is lowest among employees in the distribution, catering and related sectors. By contrast, among those who are aware of the NMW, substantive knowledge of the rate at which it is set is much greater among low paid staff and those who do not have written statements of their terms and conditions of employment. This suggests perhaps that, although less

likely to be aware of the NMW's existence, these groups, once aware have reasons to show interest in, and knowledge of the level at which it is set.

Respondents with experience of employment problems in general, but particularly those with experience of (perceived) infringements in the area of wages, terms and conditions, are more likely than average to demonstrate prompted awareness of the NMW, and more likely to be able to demonstrate substantive knowledge of its provisions.

In this chapter we present findings related to various measures of respondents' awareness and knowledge of employment rights and legislation which relate to issues concerned with employees' wages (including the National Minimum Wage), terms and conditions (including contracts of employment, statements of employment *etc.*). As in previous chapters[1], we start with informed awareness (unprompted or partly prompted), and move on to prompted awareness, before looking at respondents' substantive knowledge of aspects of legislation, and concluding with an examination of their responses to three hypothetical situations or 'scenarios' relating to infringements of specific rights in this area.

7.1 Informed awareness (unprompted or partly prompted)

This section is based on those responses to the question:

'Can you tell me of any laws that protect your rights at work?'

in which the individual named a law relating to wages, terms and conditions, either unprompted, or after an example of an employment right was presented to them.

Referring to Table 3.5 in Chapter 3 we can see that:

- 5.6% of respondents cited the National Minimum Wage in response to this question, and that
- 1.3% cited employees' rights to a written contract, terms and conditions.

In Tables 7.1 to 7.4, therefore, we present a more detailed breakdown of respondents who cited employment legislation in either or both of these areas, looking at their personal and employment characteristics, as well as whether they had had prior experience of employment problems.

In Table 7.1 it can be seen that:

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[1] For further explanation of the different definitions of 'awareness' and 'knowledge' deployed in this chapter, and throughout the report, see Chapter 2.

Table 7.1: Informed awareness of rights relating to terms, conditions and wages, by personal characteristics (per cent)

Personal characteristic	Informed awareness (unprompted/partly prompted) Named a right related to terms, conditions and wages	Unweighted base (n = 100%)
Gender (%)		
Male	7.4	444
Female	6.2	556
Ethnic origin (%)		
White	6.9	949
Non-white	5.6	45
Age (%)		
16-25	8.5	139
26-35	7.5	273
36-45	7.8	276
46-55	5.4	228
56-64	4.1	81
Highest qualification (%)		
No qualifications	3.1	150
NVQ 1	3.4	96
NVQ 2	7.0	221
NVQ 3	4.6	173
NVQ 4	8.4	283
NVQ 5	14.7	66

Note: all percentages are row percentages.

- men are more likely than women to cite rights in this area
- white respondents are more likely than non-whites to exhibit unprompted or partly prompted awareness of rights relating to wages, terms and conditions
- the likelihood of respondents citing such legislation declines with age, such that those over 56 years old are only half as likely to exhibit awareness of these rights in this sense as those in the 16 to 25 age group
- there is some tendency for this kind of awareness of rights relating to wages, terms and conditions to increase with the educational level of respondents, and in particular, those educated to NVQ Level 5 or equivalent are much more likely than others to cite these provisions.

Turning to employment characteristics (Table 7.2) the following features stand out:

Table 7.2: Informed awareness of rights relating to terms, conditions and wages, by employment characteristics (per cent)

Employment characteristic	Informed awareness (unprompted/partly prompted) Named a right related to terms, conditions and wages	Unweighted base (n = 100%)
Occupation (%)		
Managerial/admin	6.4	183
Professional/technical	6.5	196
Assoc. professional/technical	11.2	96
Clerical/secretarial	10.2	158
Craft/skilled manual	6.1	84
Personal/protective services	1.1	71
Sales	5.9	69
Plant/machine operatives	3.9	28
Other unskilled	7.9	101
Sector (%)		
Primary & extractive	*	21
Manufacturing, utilities & constr.	3.5	198
Distribution, catering, transport *etc.*	7.1	234
Business and financial services	9.6	99
Public admin, education and health	6.1	313
Other services	8.3	68
Size of workplace (no. of employees) (%)		
Under 15	8.2	173
15-49	5.7	198
50-199	8.7	211
200-499	4.9	123
500-1,999	2.7	105
2000+	9.8	91
Employment status (%)		
Permanent	6.5	885
Temporary	8.6	102
Working time (%)		
Under 16 hours p.w.	13.2	75
16-34 hours p.w.	10.4	174
35 + hours p.w.	5.7	751
Union membership (%)		
Member	5.9	333
Non- member	7.1	642

Note: all percentages are row percentages.
** = fewer than five respondents in cell.*

- Unprompted/partly prompted awareness of wages, terms and conditions legislation is highest among lower level white

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collar workers (*ie* associate professional/technical staff, clerical and secretarial staff, rather than managerial and professional staff) and is lowest among some low skilled manual and service occupations (personal and protective services, and plant and machine operatives).

- Awareness of this kind is highest in the business and financial services sector, and lowest in manufacturing, utilities and construction.
- There is no clear relationship between awareness and workplace size.
- Temporary workers (for whom such rights might, perhaps, have greater significance in many cases) exhibit greater awareness than permanent staff.
- Similarly, awareness seems to decrease with weekly hours worked – thus part-timers working fewer than 16 hours a week are more than twice as likely to cite rights in this area as full-timers working 35 hours a week or more.
- Finally, union members are less aware (in this unprompted/partly prompted sense) of rights relating to wages, terms and conditions than are non-unionised staff.

In Table 7.3 we look at how this kind of awareness varies by two employment characteristics which we might expect to be particularly relevant to this area of employment law (*ie* by wage levels, and by whether the respondents in fact have written statements of their terms and conditions). It is perhaps surprising to note that awareness is lowest among those whose wages are

Table 7.3: Informed awareness of rights relating to terms, conditions and wages, by specific characteristics of relevance to this area of law (per cent)

Characteristic	Informed awareness (unprompted/partly prompted)	
	Named a right related to terms, conditions and wages	Unweighted base (n = 100%)
Hourly rate of pay* (%)		
Less than £5.00 an hour	4.7	188
£5.00 to £7.40	7.9	173
£7.40 to £10.96	6.1	171
£10.97 and more	9.3	171
Have statement of terms and conditions? (%)		
Yes	6.5	820
No	8.6	155

*Note: (1) * = 297 individuals preferred not to disclose information about their income and 13 self employed individuals were not asked about a statement of terms and conditions.*
(2) All percentages are row percentages.

closest to the National Minimum Wage (NMW) (at less than £5.00 per hour), and highest among those earning more than three times the NMW. It would also appear that those who do not have a written statement of terms and conditions are more likely to be aware of rights in this area than those who do.

Finally, Table 7.4 shows that there is no tendency for respondents who have had personal experience of employment problems related to wages, terms or conditions to show higher levels of awareness of legislation in this area. If anything, the relationship is in the other direction, with those having experience of this kind of problem showing lower unprompted/partly prompted awareness than those with experience of other types of problem and than those with no experience of employment problems.

Table 7.4: Informed awareness of rights relating to terms, conditions and wages by experience of problems at work relating to this area of law (per cent)

	Informed awareness (unprompted/partly prompted)	
Experience of problem	**Named a right related to terms, conditions and wages**	**Unweighted base (n = 100%)**
Had experience of this area of law (%)	4.5	31
Experienced problems but not with this area of law (%)	12.1	133
No problems with employment law (%)	6.2	836

Note: All percentages are row percentages.

7.2 Informed awareness (prompted)

As explained in Chapter 2, following the unprompted and partly prompted awareness questions, respondents were asked, in each area of legislation, a direct question about their awareness of one specific piece of legislation in that area.

In the area of wages, terms and conditions, the piece of legislation chosen to test prompted awareness was the National Minimum Wage (NMW). Thus, respondents were asked:

> *'One of your rights as an employee is the right to a National Minimum Wage. Were you aware of this right?'*

As noted in Chapter 3 (Table 3.6), 96 per cent of respondents were aware of the NMW, when asked this direct question (a higher proportion than were aware of any of the other four direct questions used to test awareness of other areas of employment law).

In this section (Tables 7.5 to 7.8), we look at how (prompted) awareness of the NMW varies with the personal and job characteristics of respondents.

Looking at personal characteristics first, Table 7.5 shows that:

- there is no difference between men and women in prompted awareness of the NMW
- a substantially higher proportion of white than non-white respondents are aware of the NMW
- no strong age pattern is detectable
- no clear pattern by educational level is evident, although the most well-qualified group (NVQ Level 5) exhibit lower than average awareness.

Table 7.5: Informed awareness (prompted) of the National Minimum Wage, by personal characteristics (per cent)

Personal characteristic	Prompted awareness: Aware of National Minimum Wage	Unweighted base (n = 100%)
Gender (%)		
Male	96.3	444
Female	96.2	556
Ethnic origin (%)		
White	97.1	949
Non-white	81.5	45
Age (%)		
16-25	95.0	139
26-35	97.1	273
36-45	94.8	276
46-55	97.3	228
56-64	97.3	81
Highest qualification (%)		
No qualifications	93.9	150
NVQ 1	97.8	96
NVQ 2	94.4	221
NVQ 3	99.3	173
NVQ 4	99.0	283
NVQ 5	89.7	66

Note: all percentages are row percentages.

Table 7.6: Prompted awareness of the National Minimum Wage, by employment characteristics (per cent)

Characteristic	Prompted awareness: Aware of National Minimum Wage	Unweighted base (n = 100%)
Occupation (%)		
Managerial/admin	99.4	183
Professional/technical	98.6	196
Assoc. professional/technical	100.0	96
Clerical/secretarial	96.4	158
Craft/skilled manual	100.0	84
Personal/protective services	86.7	71
Sales	92.9	69
Plant/machine operatives	90.8	28
Other unskilled	96.8	101
Sector (%)		
Primary & extractive	100.0	21
Manufacturing, utilities & construction	97.3	198
Distribution, catering, transport *etc.*.	92.5	234
Business and financial services	97.9	99
Public admin, education and health	98.3	313
Other services	96.7	68
Size of workplace (no. of employees) (%)		
Under 15	98.0	173
15-49	93.1	198
50-199	95.7	211
200-499	98.6	123
500-1,999	96.4	105
2,000+	97.6	91
Employment status (%)		
Permanent	96.5	885
Temporary	95.3	102
Working time (%)		
Under 16 hours p.w.	92.6	75
16-34 hours p.w.	94.0	174
35 + hours p.w.	96.9	751
Union membership (%)		
Member	97.1	333
Non- member	96.0	642

Note: all percentages are row percentages.

Turning to employment characteristics (Table 7.6):

- Awareness of the NMW is almost universal among white collar occupations and skilled manual/craft occupations, but somewhat less so among lower skilled manual and service sector occupations; this is a notable result in that one might expect a higher proportion of workers in the latter group to be employed at or near the NMW.
- Awareness of the NMW is somewhat lower than average in the distribution, catering and related sectors (again, these are sectors in which a larger concentration of workers affected by the NMW are likely to be found).
- There is no clear pattern in awareness of the NMW by establishment size.
- There is no significant difference between the awareness levels of the NMW among permanent and temporary staff, or among union-members and non-members (although permanent staff and union-members record slightly higher than average awareness).
- Awareness of the NMW tends to increase with working time – *ie* part-timers working less than 16 hours have the lowest awareness levels, and full-timers (working 35 hours or longer a week) the highest (although the differences are not large).

Table 7.7 looks at some specific characteristics of respondents' employment, which might be expected to be relevant to their awareness of NMW and other legislation relating to terms, conditions *etc*. The patterns shown in the tables, although not generally exhibiting large variation between groups, are nevertheless striking:

- First (and consistent with the occupational and sectoral patterns recorded above) it is clear that those in lower wage groups are, if anything, less likely to be aware of the NMW than those whose hourly rate of pay is well above that specified in the NMW.
- Respondents whose employers have given them a written statement of their terms and conditions are more likely to report awareness of the NMW in response to a direct question, than those who have not received such documents.

Finally, without exception, the small number of respondents with experience of employment problems relating to wages, terms or conditions all reported awareness of the NMW. Among those with experience of problems relating to other areas of employment law, or with no experience of problems at all there was, however, a minority who were not aware of the NMW (see Table 7.8).

Table 7.7: Prompted awareness of rights relating to terms, conditions and wages, by specific characteristics of relevance to this area of law (per cent)

Characteristic	Prompted awareness: Aware of National Minimum Wage	Unweighted base (n = 100%)
Hourly rate of pay* (%)		
Less than £5.00 an hour	95.4	188
£5.00 to £7.40	94.6	173
£7.40 to £10.96	99.4	171
£10.97 and more	98.8	171
Have statement of terms and conditions (%)		
Yes	97.1	820
No	92.1	155

*Notes: (1) * = 297 individuals preferred not to disclose information about their income and 13 self-employed individuals were not asked about a statement of terms and conditions.*
(2) All percentages are row percentages.

Table 7.8: Prompted awareness of the National Minimum Wage, by experience of problems at work relating to this area of law (per cent)

Experience of problem	Prompted awareness: Aware of National Minimum Wage	Unweighted base (n = 100%)
Had experience of this area of law (%)	100.0	31
Experienced problems but not with this area of law (%)	98.3	133
No problems with employment law (%)	95.9	836

Note: all percentages are row percentages.

7.3 Substantive knowledge

This section reports the substantive knowledge-testing questions. These were asked of respondents who had indicated that they had been aware of the particular employment right, their knowledge of which was being tested (in this case, the National Minimum Wage).

7.3.1 Details of the knowledge testing questions

Two detailed knowledge questions were asked (one open question and one multiple choice) covering the level of the NMW and the question of whether there is a length of service criterion for eligibility. The responses to each of these are summarised in Table 7.9 below.

Table 7.9: Details of knowledge questions for work-life balance legislation (per cent)

Question	Question type	Response option	Of those asked question	Of total sample
Can you tell me the current hourly rate of the National Minimum Wage for an employee, over the age of 21, not in training? **(NMW rate)**	Open ended			
		Underestimate	7.4	7.1
		Correct (£3.60, to within ten pence)	**52.6**	**50.7**
		Overestimate	27.1	26.1
		Don't know	13.0	12.5
How long must you work for an employer before you are entitled to ask for the relevant National Minimum Wage? **(NMW entitlement)**	Multiple choice			
		1 month	2.7	2.8
		1 year	1.9	2.0
		Correct (you are entitled to the National Minimum Wage from day one of your employment)	**80.5**	**83.5**
		Don't know	11.3	11.7
		Unweighted base (n = 100%)	953	1000

Over half of the respondents identified the level of the NMW (to within ten pence), and four out of five correctly identified that employees are eligible for the NMW from the first day of their employment (given that there were three multiple response questions, this is much higher than could be expected by chance alone).

7.3.2 Substantive knowledge by self assessed awareness/knowledge

In Table 7.10 we compare respondents' self-assessments of their levels of awareness/knowledge about employment rights in general, with levels of knowledge about the NMW in particular.

The relationship in both cases (with regard to the NMW rate, and with regard to eligibility for the NMW) is in the expected direction, *ie* generally speaking, those who rate themselves as 'well informed' are most likely to give the correct answer to the substantive knowledge question, and those who identify themselves as 'not well informed and not interested' are most likely to get the answer wrong.

Table 7.10: Knowledge of rights relating to terms, conditions and wages, by self assessed awareness/knowledge combined (per cent)

	Substantive knowledge		
	NMW rate	NMW entitlement	Unweighted base
Self assessed awareness/knowledge	Correct	Correct	(n = 100%)
Well informed and knowledgeable (%)	53.0	86.7	184
Well informed but could know more (%)	55.4	83.2	486
Not well informed and could know more (%)	50.0	83.0	280
Not well informed and not interested (%)	29.6	74.1	26

Note: all percentages are row percentages.

7.3.3 Substantive knowledge by individual characteristics

This section looks at how substantive knowledge about the level of, and eligibility for the NMW varied with respondents' personal and employment characteristics and their prior experience of problems at work.

Personal characteristics

As Table 7.11 shows, there are no consistent or strong patterns by age or qualification in the likelihood of a correct answer to either of the two substantive knowledge questions on the NMW, with

Table 7.11: Knowledge of rights relating to terms, conditions and wages, by personal characteristics

Personal characteristics	Substantive knowledge: NMW rate Correct	Substantive knowledge: NMW entitlement Correct	Unweighted base (n = 100%)
Gender (%)			
Male	52.1	82.6	433
Female	53.2	85.0	543
Ethnic origin (%)			
White	52.3	83.3	777
Non-white	53.5	88.4	32
Age (%)			
16-25	60.2	87.3	133
26-35	51.7	87.8	266
36-45	45.1	84.0	270
46-55	56.9	80.2	224
56-64	55.7	69.0	80
Highest qualification (%)			
No qualifications	51.6	72.8	144
NVQ 1	43.2	63.6	95
NVQ 2	55.6	84.1	213
NVQ 3	67.5	84.8	171
NVQ 4	46.8	93.3	281
NVQ 5	42.6	75.8	62

Note: all percentages are row percentages.

the exception that knowledge of the eligibility criterion tended to decline with age.

Unusually, however, the table also shows, for both questions, that women are more likely to get the answer right than men, and non-white employees more likely to get it right than whites, although the differences are small in both cases.

Employment characteristics

Similarly when it comes to employment characteristics, the patterns are not, for the most part, clear or consistent ones. Thus:

- Looking at occupations, sales staff are most likely to answer the question about the NMW rate correctly, and clerical and secretarial staff are least likely to. On the eligibility question, by contrast, associate professional/technical staff are most likely to get it right, and plant and machine operatives are least likely to do so.

Table 7.12: Knowledge of rights relating to terms, conditions and wages, by employment characteristics

Employment characteristic	Substantive knowledge: NMW rate Correct	Substantive knowledge: NMW entitlement Correct	Unweighted base (n = 100%)
Occupation (%)			
Managerial/admin	50.9	87.1	182
Professional/technical	60.6	85.5	194
Assoc. professional/technical	45.9	88.7	95
Clerical/secretarial	44.3	90.2	153
Craft/skilled manual	47.4	81.6	84
Personal/protective services	64.1	82.1	66
Sales	65.8	84.8	66
Plant/machine operatives	46.4	62.3	25
Other unskilled	54.8	75.4	98
Sector (%)			
Primary & extractive	68.4	94.7	21
Manufacturing, utilities & constr.	54.4	77.2	192
Distribution, catering, transport *etc.*	55.0	82.4	226
Business and financial services	48.9	91.3	98
Public admin, education and health	49.6	84.9	309
Other services	47.4	80.7	66
Size of workplace (no. of employees) (%)			
Under 15	53.1	85.4	
15-49	53.4	83.4	170
50-199	59.6	82.8	194
200-499	47.2	83.7	203
500-1,999	45.0	75.0	121
2,000+	39.2	87.5	103
Employment status (%)			
Permanent	53.6	82.5	865
Temporary	47.2	89.4	99
Working time (%)			
Under 16 hours p.w.	40.8	81.6	72
16-34 hours p.w.	61.4	81.7	170
35 + hours p.w.	51.8	83.9	734
Union membership (%)			
Member	45.8	77.4	326
Non- member	56.0	86.1	627

Note: all percentages are row percentages.

- Sectoral patterns are more consistent – both questions are most likely to be answered correctly by respondents in the

primary and extractive sectors, and least likely to be answered correctly by those in the 'other services' sector.

- There are no clear patterns by establishment size, although there is some tendency for a higher proportion of those in smaller establishments to identify the NMW rate correctly.
- Permanent employees are more likely than temporary staff to know that the NMW is £3.60 per hour (at the time of the survey) but temporary staff are more likely to know that the NMW applies from day one of their employment.
- Employees working 16 to 34 hours a week are significantly more likely to know the NMW rate than those working longer, or (especially) shorter hours.
- Respondents who are not members of trade unions are significantly more likely to answer both questions correctly than their counterparts who are union members (this might perhaps reflect a greater need to be aware of the legislation among non-members than members).

Table 7.13 shows that despite the lack of such a relationship with regard to whether respondents are *aware* of the NMW, there is a strong and inverse relationship between individuals' pay rates and their likelihood of knowing the level at which the NMW is set. Those with hourly wages of less than £5.00 are much more likely to answer this question correctly than those on higher wage rates. This suggests that although less likely to be aware of the NMW's existence, once aware, the low paid are more likely than better paid people, for obvious reasons, to show interest and knowledge in the level at which it is set.

Table 7.13: Knowledge of rights relating to terms, conditions and wages, by specific characteristics of interest

	Substantive knowledge		
	NMW rate	NMW entitlement	
Specific characteristics of relevance to this area of law	**Correct**	**Correct**	**Unweighted base (n = 100%)**
Hourly rate of pay* (%)			
Less than £5.00 an hour	65.5	81.2	182
£5.00 to £7.40	52.9	86.0	167
£7.40 to £10.96	45.8	86.4	170
£10.97 and more	38.9	87.0	169
Have statement of terms and conditions (%)			
Yes	51.4	83.4	803
No	60.9	82.8	150

*Notes: (1) * = 297 individuals preferred not to disclose information about their income and 13 self-employed individuals were not asked about a statement of terms and conditions.*
(2) All percentages are row percentages.

As far as respondents' substantive knowledge of eligibility for the NMW, however, the relationship is much weaker and in the opposite direction (higher paid people being more likely to get the answer right).

The table also shows that while there is little difference between those with and those without statements of terms and conditions, in their knowledge regarding eligibility, those without such statements are more likely than those who have them to know the rate at which the NMW is set.

Experience of problems at work

Generally speaking, respondents with experience of employment problems at work (especially if those problems have been related to wages, terms or conditions) are more likely to answer correctly the questions relating to knowledge of the provisions of the NMW than are respondents without such experience (Table 7.14).

Table 7.14: Knowledge of rights relating to terms, conditions and wages, by experience of problems at work

	Substantive knowledge		
	NMW rate	NMW entitlement	
Experience of problem	Correct	Correct	Unweighted base (n = 100%)
Had experience of this area of law (%)	59.1	86.4	47
Experienced problems but not with this area of law (%)	58.3	85.2	114
No problems with employment law (%)	51.4	83.0	815

Note: all percentages are row percentages.

7.4 Perception of entitlements (scenarios)

Respondents were presented with a series of three scenarios relating to breaches of rights in the broad area of wages, terms and conditions, and asked to identify whether the action in question was lawful or not. The three areas were as follows:

Payment for temporary worker

Your friend is employed by an agency to work as a temp. The agency has not paid him for his last week's work. They say the firm where he was working has not yet paid them.

Refusal to supply contract

Your friend has worked at a factory for three months; she asks her employer for a copy of her employment contract. The employer refuses,

saying that no one else at the factory has a contract, why should he provide her with one?

Deduction from wages

Your friend works as a delivery driver. He crashes his van whilst at work. When he returns to his base, his employer explains that his wages for that week will be docked by £100, the amount of money which is the excess on the van's insurance policy.

7.4.1 Extent to which respondents identified scenarios as unlawful

Table 7.15 shows that while the vast majority of respondents identified the situations relating to non-payment of a temporary employee, and non-provision of an employment contract as unlawful (close to 90 per cent in both cases), slightly fewer did so in the case of the docking of wages to pay for the damaged van.

Table 7.15: Perception of entitlement re: wages, terms and conditions

Perception of entitlement	Scenario concerned		
	Payment for temporary worker (%)	Refusal to supply contract (%)	Deduction from wages (%)
Identified as unlawful	87.4	89.5	78.5
Unable to identify as unlawful	12.6	10.5	21.5
Unweighted base (n = 100%)	188	230	210

7.4.2 Perception of entitlement by self assessed awareness/knowledge

Table 7.16 compares self-assessed general awareness and knowledge of employment rights, with respondents' perceptions of the lawfulness of the three scenarios relating to wages, terms and conditions.

While there is some relationship in the expected direction for two of the three scenarios (ie those who assess themselves as well-informed and knowledgeable are more likely to identify the scenario as unlawful), this is not the case in the third scenario, relating to the unlawful non-payment of a temporary worker, where the self-assessed 'well-informed and knowledgeable' group are least likely to identify the hypothetical situation as unlawful.

Table 7.16: Perception of entitlement by self assessed awareness/knowledge

	Perception of entitlement					
	Payment for temporary worker		Refusal to supply contract		Deduction from wages	
Self-assessed awareness/knowledge	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base
Well informed and knowledgeable (%)	83.9	34	93.3	41	89.3	45
Well informed but could know more (%)	89.9	93	88.6	114	74.1	103
Not well informed and could know more (%)	84.0	53	88.9	69	83.9	59
Not well informed and not interested (%)	90.9	8	*	6	*	3

*Notes: (1) * = fewer than five respondents in cell.*
(2) All percentages are row percentages.

7.4.3 Perception of entitlement by individual characteristics

Table 7.17 looks at the responses to the scenario questions by personal characteristics of the respondents. There are few clear patterns here, apart from the relationship with ethnic origin (in each case the white respondents are more likely to identify the scenario as lawful, and in two of the three cases substantially more likely to). Otherwise, the data show no consistent or simple variation by gender, age or qualification.

Similarly, looking at employment characteristics (Table 7.18) there are no clear or consistent patterns in the variation by occupation, sector, size, working time, employment status or union membership in the proportion identifying the scenarios as unlawful.

Table 7.17: Perception of entitlement of rights relating to terms, conditions and wages, by personal characteristics

Personal characteristic	Perception of entitlement					
	Payment for temporary worker		Refusal to supply contract		Deduction from wages	
	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base
Gender (%)						
Male	87.6	83	89.6	105	80.5	95
Female	88.0	105	88.9	125	75.9	115
Ethnic origin (%)						
White	88.3	181	90.9	212	78.6	198
Non-white	66.7	7	73.3	14	76.5	11
Age (%)						
16-25	61.1	18	91.7	33	80.6	33
26-35	96.4	49	88.9	72	72.9	50
36-45	86.5	54	84.2	62	74.1	60
46-55	86.8	47	93.0	46	88.0	52
56-64	88.9	20	92.9	16	81.8	14
Highest qualification (%)						
No qualifications	91.3	35	90.9	32	81.8	28
NVQ 1	66.7	18	96.6	24	80.0	13
NVQ 2	89.8	45	90.7	57	76.9	30
NVQ 3	94.4	28	78.3	43	95.5	32
NVQ 4	87.5	49	86.2	55	66.1	50
NVQ 5	88.2	13	100.0	15	75.0	8

Note: all percentages are row percentages.

Table 7.18: Perception of entitlement of rights relating to terms, conditions and wages, by employment characteristics

Employment characteristic	Perception of entitlement: Payment for temporary worker — Identified as unlawful	Payment for temporary worker — Un-weighted base	Refusal to supply contract — Identified as unlawful	Refusal to supply contract — Un-weighted base	Deduction from wages — Identified as unlawful	Deduction from wages — Un-weighted base
Occupation (%)						
Managerial/admin	87.5	45	94.3	40	82.1	37
Professional/technical	90.5	33	92.6	43	82.9	49
Assoc. professional/technical	68.2	19	96.0	24	71.4	17
Clerical/secretarial	96.3	31	89.7	36	54.2	30
Craft/skilled manual	81.0	15	78.9	16	81.8	19
Personal/protective services	84.2	15	75.0	11	75.0	15
Sales	100.0	13	100.0	20	85.7	13
Plant/machine operatives	*	3	79.4	10	100	6
Other unskilled	88.9	13	84.6	25	73.3	21
Sector (%)						
Primary & extractive	*	4	100.0	5	80.0	6
Manufacturing, utilities & constr.	83.3	37	86.4	47	77.1	41
Distribution, catering, transport *etc.*	93.0	42	91.9	59	91.1	46
Business and financial services	76.5	17	96.0	24	73.7	23
Public admin, education and health	86.7	66	90.0	69	69.8	66
Other services	94.4	18	85.7	11	50.0	11
Size of workplace (no. of employees) (%)						
Under 15	94.4	39	94.1	39	76.0	32
15-49	85.3	33	82.4	45	86.1	38
50-199	86.4	41	93.5	46	74.5	45
200-499	82.4	15	90.0	25	78.4	26
500-1,999	64.3	11	96.9	23	81.8	27
2,000+	95.2	15	93.3	32	64.3	18
Employment status (%)						
Permanent	87.1	171	92.0	206	77.5	186
Temporary	87.5	16	60.0	20	83.3	22
Working time (%)						
Under 16 hours p.w.	90.0	14	73.3	20	60.0	15
16-34 hours p.w.	62.5	33	92.6	37	80.6	41
35 + hours p.w.	91.8	141	90.7	173	79.2	154
Union membership (%)						
Member	84.0	62	93.7	74	70.6	71
Non-member	88.2	123	90.0	148	82.8	136

*Notes: (1) * = fewer than five respondents in cell.*
(2) All percentages are row percentages.

7.5 How far are perceptions based on knowledge?

This section tackles the question of whether respondents who judged the various scenario situations relating to wages, terms and conditions as unlawful did so with some knowledge of the underlying legislation (rather than through some broader perception of 'fairness' or similar).

Table 7.19 shows that in most cases where respondents had identified the scenario as unlawful (between three quarters and close to 90 per cent of respondents, depending on the scenario), they were able also to identify the legal reason, or the relevant provision of the law which underlay the presumed unlawfulness of the situation described in the scenario.

Table 7.19: Whether perception of entitlement relating to terms, conditions and wages is based on knowledge

	Scenario		
Whether perception of entitlement is based on knowledge	**Payment for temporary worker (%)**	**Refusal to supply contract (%)**	**Deduction from wages (%)**
Named relevant area of law	88.6	82.7	75.7
Named other area of law/don't know	11.4	17.3	24.3
Unweighted base (n = 100%)	166	202	164

Table 7.20 shows us that there is no clear correlation between individual respondents' self-assessment of their own levels of awareness and knowledge about employment rights in general, and their likelihood of citing the relevant area of law when identifying a presumed breach of employment rights. In particular there is no evidence that those who assess themselves as 'well informed and knowledgeable' are more likely on average to make judgements about the scenarios on the basis of knowledge about the underlying legislation.

Table 7.20: Knowledgeable perception of legislation on terms, conditions and wages, by self-assessed awareness/knowledge

	Knowledgeable perception of entitlement (*ie* respondent named relevant area of law)								
	Payment for temporary worker			Refusal to supply contract			Deduction from wages		
Self-assessed awareness/ knowledge	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted Base
Well informed and knowledgeable (%)	84.6	71.0	28	75.6	70.5	37	84.0	75.0	41
Well informed but could know more (%)	91.3	82.0	84	80.7	71.5	101	73.3	54.3	72
Not well informed and could know more (%)	83.3	70.0	47	93.6	83.0	60	78.7	66.1	49
Not well informed and not interested (%)	100.0	90.9	7	*	*	4	*	*	2

Note: all percentages are row percentages.
** = fewer than five respondents in cell.*

Similarly, looking at some basic personal and relevant employment characteristics (Table 7.21), we can see that:

- There is no clear variation by gender, by pay level or indeed by whether the respondent has a written statement of terms and conditions, in the likelihood of respondents making informed judgements about scenarios in the area of wages, terms and conditions.
- The only consistent pattern across the three scenarios in this respect is that non-unionised are more likely to make informed judgements than their unionised counterparts, but there is no clear interpretation for such a pattern.

7.6 Taking action

As with the other areas of employment, individuals identifying a scenario as unlawful were asked if they would take action (such as seeking advice from an independent source, or discussing the matter with the employer) if they found themselves in that situation. The pattern is once more consistent across all three scenarios (Table 7.22), with the majority of respondents (85 to 94 per cent, depending on the scenario, saying that they would take action in such circumstances.

Table 7.21: Knowledgeable perception of legislation on terms, conditions and wages, by individual characteristics

Characteristic	Knowledgeable perception of entitlement (*ie* respondent named relevant area of law)								
	Payment for temporary worker			Refusal to supply contract			Deduction from wages		
	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base
Gender (%)									
Male	90.1	78.8	74	77.5	69.4	93	83.2	66.9	74
Female	86.4	76.0	92	91.3	81.1	109	65.2	49.4	90
Union membership (%)									
Member	87.8	73.5	54	75.7	70.9	68	70.8	50.0	56
Non- member	89.3	78.7	109	87.2	78.5	128	77.5	64.2	106
Hourly rate of pay (%)									
Less than £5.00 an hour	80.0	63.2	22	79.3	67.6	36	79.2	54.3	28
£5.00 to £7.40	77.3	70.8	28	83.3	76.1	43	77.8	53.8	26
£7.40 to £10.96	88.9	85.7	30	93.9	86.1	35	83.3	71.4	32
£10.97 and more	88.9	78.0	34	94.1	94.1	34	72.2	48.1	25
Statement of terms and conditions? (%)									
Yes	89.0	76.1	141	81.5	75.3	166	73.0	59.2	139
No	83.3	83.3	22	87.5	75.0	30	91.3	61.8	23

Note: all percentages are row percentages.
**= fewer than five respondents in cell.*

Table 7.23 explores respondents' 'propensities to take action' in the context of the three scenarios:

- Women would be more likely than men to act over non-payment to a temporary employee, and illegal deduction of wages to cover an insurance excess. Men, however, would be more likely to take action over not having been supplied with an employment contract.

Table 7.22: Whether individuals would take action if scenarios related to wages, terms or conditions happened to them

Whether individual would take action in that situation	Scenario: Payment for temporary worker	Refusal to supply contract	Deduction from wages
Yes, would take action	93.7	85.1	90.8
No, would not take action	6.3	14.9	9.2
Unweighted base (n = 100%)	166	202	164

- Similarly, with each of the other three characteristics examined in the table, which might be expected to be of relevance to respondents' views regarding scenarios connected with wages, terms and conditions (hourly pay, possession of a statement of terms and conditions from the employer, and union membership), there is no clear pattern. In each case, the relationship between the characteristic and the propensity to take action lies in one direction for some of the scenarios, and in the other direction for the rest.

Table 7.23: Propensity to take action in terms, conditions and wages scenarios by individual characteristics

Individual characteristic	Scenario: Payment for temporary worker		Refusal to supply contract		Deduction from wages	
	% would take action	Unweighted base	% would take action	Unweighted base	% would take action	Unweighted base
Gender (%)						
Male	90.2	74	88.4	93	89.5	74
Female	98.5	92	80.0	109	93.8	90
Hourly rate of pay (%)						
Less than £5.00 an hour	100	22	65.5	36	100	28
£5.00 to £7.40	100	28	81.0	43	100	26
£7.40 to £10.96	100	30	97.0	35	72.2	32
£10.97 and more	93.3	34	84.8	34	94.4	25
Statement of terms and conditions? (%)						
Yes	93.4	141	89.8	166	89.8	139
No	94.1	22	66.7	30	95.7	23
Union membership (%)						
Member	92.9	54	91.9	68	95.8	56
Non- member	93.8	109	83.8	128	88.3	106

Note: all percentages are row percentages.

8. Awareness and Knowledge of Anti-Discrimination Legislation

Key findings

Twenty two per cent of respondents cited anti-discrimination legislation, unprompted or partly prompted, as an example of employment rights.

When prompted, 91 per cent of respondents were aware of the right to be treated fairly regardless of race, gender or disability.

Detailed substantive knowledge of anti-discrimination provisions varied considerably, however. At one extreme, just over a quarter knew that age is not covered by anti-discrimination legislation. At the other extreme, over 80 per cent of respondents knew that employees are covered by anti-discrimination legislation from day one of their employment.

Between 65 per cent and 78 per cent of respondents were able to identify infringements of anti-discrimination legislation, when presented with hypothetical scenarios. The lowest proportion identifying a breach occurred in the case of a sex discrimination example (relating to enforcement of a gender-based dress code); the highest proportion occurred in the case of a race discrimination example (relating to denial of fringe benefits to a newly promoted non-white manager). Of those identifying the scenarios as unlawful, the proportion whose identification appeared to be based on actual knowledge of the legislation varied between the cases (it was highest in the race example at over 90 per cent, slightly lower in the sex example, and lowest of all in the disability example at under 50 per cent, perhaps reflecting the recent nature of the legislation in this area).

There is no clear relationship between individuals' self-assessment of their general levels of awareness/knowledge of employment law, and their substantive knowledge of anti-discrimination legislation or their ability knowledgeably to identify the unlawfulness of examples of infringements in this area. That is, in contrast to some of the other areas of law considered, there was no systematic tendency for those who claimed higher levels of awareness/knowledge of employment rights in general, to exhibit greater knowledge than others of anti-discrimination legislation in practice.

Unprompted/partly prompted awareness of anti-discrimination legislation is higher among ethnic minority respondents and disabled people, and tends to increase with age and qualification levels.

Unprompted and prompted awareness of anti-discrimination legislation is highest in white collar (especially managerial and professional) occupations, in the public admininistration, health and education sectors, in larger workplaces and among union members.

It is notable that white respondents demonstrate higher levels of substantive knowledge of discrimination legislation in response to specific questions, than do non-white respondents. Levels of substantive knowledge are also higher among better qualified respondents, and among those in managerial and professional occupations.

Direct experience of discrimination problems at work is associated with higher levels of informed awareness (unprompted and prompted) of anti-discrimination legislation, but not with higher levels of substantive knowledge of the specific areas of anti-discrimination tested in this survey.

Presented with the hypothetical scenarios of discrimination, most respondents (over 90 per cent) said they would take action in such circumstances when faced with the race or disability discrimination cases. In the sex discrimination example, this proportion fell to just over two-thirds.

In this chapter we present findings related to various measures of respondents' awareness and knowledge of employment rights and legislation which relate to employees' rights not be discriminated against in employment on grounds of sex, race or disability.

Again the chapter covers[1] in relation to anti-discrimination legislation:

- respondents' informed awareness (unprompted or partly prompted)
- their prompted awareness
- their substantive knowledge of specific aspects of the legislation
- their responses to three hypothetical situations or 'scenarios' relating to infringements of specific rights in this area.

8.1 Informed awareness (unprompted and partly prompted)

Referring to Table 3.5 in Chapter 3, anti-discrimination legislation was one of the areas of rights most commonly named by respondents to this question (with 22 per cent of respondents citing one or more areas of anti-discrimination legislation).

[1] For further explanation of the different definitions of 'awareness' and 'knowledge' deployed in this chapter, and throughout the report, see Chapter 2.

In Tables 8.1 to 8.4, therefore, we present a more detailed breakdown of this group of respondents who cited anti-discrimination legislation (by personal and employment characteristics, and whether they had had prior experience of employment problems).

Table 8.1 shows how unprompted/partly prompted awareness of anti-discrimination legislation varies with the standard set of personal characteristics used throughout this report. Some patterns are evident, in particular:

- As might be expected, women and respondents from ethnic minorities are more likely to cite this legislation than are men or white respondents respectively. The differences are not however large ones, although the variation by ethnic origin is of interest, as this is virtually the only area of law examined in

Table 8.1: Informed awareness of anti-discrimination legislation by personal characteristics

Personal characteristics	Informed awareness (unprompted or partly prompted) Named a right related to anti-discrimination legislation	Unweighted base
Gender (%)		
Male	22.0	444
Female	22.2	556
Ethnic origin (%)		
White	21.9	949
Non-white	24.1	45
Age (%)		
16-25	17.1	139
26-35	16.1	273
36-45	27.0	276
46-55	23.7	228
56-64	31.5	81
Highest qualification (%)		
No qualifications	12.2	150
NVQ 1	14.9	96
NVQ 2	18.1	221
NVQ 3	12.3	173
NVQ 4	32.5	283
NVQ 5	40.6	66

Note: all percentages are row percentages.

the study where the recorded awareness levels of whites are lower than those of non-whites.

- There is some tendency for this measure of (unprompted/partly prompted awareness) to increase with age and with the respondent's level of qualification.

Table 8.2 looks at two further personal/family characteristics covered by anti-discrimination legislation, and which might, therefore, be expected to be associated with variation in awareness levels (disability and marital status).

Table 8.2: Informed awareness of anti-discrimination legislation by specific characteristics of relevance to this area of law

Experience of problem in relation to anti-discrimination legislation	Informed Awareness (unprompted or partly prompted) Named a right related to anti-discrimination legislation	Unweighted base
Disability or health problem? (%)		
Yes	23.0	99
No	21.9	898
Marital status (%)		
Single and living alone	20.4	184
Single and living with parents, friend or sibling	14.9	90
Married or living with another adult as a couple	24.4	592
Separated or divorced	20.8	117
Widowed	*	17

Note: all percentages are row percentages.

In the case of disability, there is a small difference in the expected direction (disabled respondents are slightly more likely than their non-disabled counterparts to cite anti-discrimination legislation in response to this unprompted or partly prompted question).

Similarly, there are some differences by marital status (which may in part also reflect age differences recorded in Table 8.1 above). In particular, married/cohabiting respondents are most likely to cite anti-discrimination legislation, and single people (especially those living with parents, friends or siblings) are least likely to.

Table 8.3 presents a breakdown of variation in informed awareness (unprompted/partly prompted) by characteristics of the respondent's job or workplace. Some clear patterns emerge – in particular:

Table 8.3: Informed awareness of anti-discrimination legislation by employment characteristics

Employment characteristics	Informed Awareness (unprompted or partly prompted) Named a right related to anti-discrimination legislation	Unweighted base
Occupation (%)		
Managerial/admin	32.6	183
Professional/technical	34.5	196
Assoc. professional/technical	20.2	96
Clerical/secretarial	20.4	158
Craft/skilled manual	17.5	84
Personal/protective services	12.2	71
Sales	18.8	69
Plant/machine operatives	*	28
Other unskilled	11.1	101
Sector (%)		
Primary & extractive	*	21
Manufacturing, utilities & construction	13.3	198
Distribution, catering, transport *etc.*	18.0	234
Business and financial services	28.7	99
Public admin, education and health	34.5	313
Other services	16.4	68
Size of workplace (employees) (%)		
Under 15	14.3	173
15-49	18.9	198
50-199	21.8	211
200-499	31.5	123
500-1999	18.0	105
2000+	36.6	91
Employment status (%)		
Permanent	21.5	885
Temporary	22.5	102
Working time (%)		
Under 16 hours p.w.	20.4	75
16-34 hours p.w.	19.4	174
35 + hours p.w.	22.7	751
Union membership (%)		
Member	27.1	333
Non- member	18.5	642

Note: all percentages are row percentages.
**= fewer than five respondents in cell.*

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- Respondents in white collar/non-manual jobs in general, and managerial or professional jobs in particular, are more likely to exhibit informed awareness of anti-discrimination legislation in this sense.
- There is also significant sectoral variation, with the highest levels of unprompted/partly prompted awareness being recorded in the public administration, education and health sectors, and the lowest in manufacturing, utilities and construction.
- Generally speaking, awareness is highest in the largest workplaces, and lowest in the smallest.
- There is little difference in awareness by employment status (temporary/permanent) or working hours, but union-members are much more likely to cite anti-discrimination legislation than are non-members.

Finally, Table 8.4 shows that respondents reporting experience of employment problems in an area covered by anti-discrimination legislation record higher levels of (unprompted/partly prompted) awareness of such legislation than do those who have no experience of such problems.

Table 8.4: Informed awareness of anti-discrimination legislation by experience of problems at work relating to this area of law

	Informed Awareness (unprompted or partly prompted)	
Experience of problem in relation to anti-discrimination legislation	**Named a right related anti discrimination legislation**	**Unweighted base**
Had experience of this area of law (%)	26.7	27
Experienced problems but not with this area of law (%)	23.1	137
No problems with employment law (%)	21.8	836

Note: all percentages are row percentages.

8.2 Informed awareness (prompted)

As in the other areas of law, following the unprompted and partly prompted awareness questions, respondents were asked a direct question about their awareness of anti-discrimination legislation, as follows:

> *'Another area of employment rights says you should be treated fairly regardless of race, gender or disability. Were you aware of this right?'*

As noted in Chapter 3 (Table 3.6), 91 per cent of respondents answered this question in the affirmative. In this section (Tables

Table 8.5: Informed awareness (prompted) of the right not to be discriminated against, by personal characteristics

Personal characteristics	Informed awareness (prompted)	
	Aware of right not to be discriminated against	Unweighted base
Gender (%)		
Male	89.8	444
Female	92.4	556
Ethnic origin (%)		
White	91.0	949
Non-white	88.7	45
Age (%)		
16-25	91.5	139
26-35	85.3	273
36-45	94.4	276
46-55	94.2	228
56-64	86.3	81
Highest qualification (%)		
No qualifications	84.5	150
NVQ 1	93.2	96
NVQ 2	86.1	221
NVQ 3	96.1	173
NVQ 4	94.4	283
NVQ 5	94.1	66[4]

Note: all percentages are row percentages.

8.5 to 8.8), we look at whether and how the proportion answering 'yes' to this question varies with the personal and job characteristics of respondents.

Looking first at personal characteristics (Table 8.5), once again there is a gender effect in the expected direction (*ie* women exhibiting higher awareness than men), and some evidence that more highly qualified respondents recorded higher levels of prompted awareness. There is no clear age pattern, however, and perhaps most surprisingly, the proportion of non-white respondents answering yes to this question is (slightly) lower than that of whites. This latter finding is somewhat difficult to interpret, given especially that, as noted above, non-whites did indeed record higher levels of unprompted/partly prompted awareness of anti-discrimination legislation. It is not possible to explore this finding in more detail from the survey data, but there

may clearly be other interpretations, *eg* it may be that white respondents are generally better informed than non-whites, in the sense that they are (slightly) more likely to know of the existence of anti-discrimination legislation, and this is picked up in the prompted question. Those non-whites who do know of the legislation however, may attribute greater importance or significance to it, and therefore be more likely to cite it as an unprompted (or partly prompted) example of an employment right.

A similar issue arises regarding the interpretation of the data in Table 8.6, where disabled people record a lower proportion answering 'yes' to this question than their non-disabled counterparts, which once again contrasts with the unprompted/ partly prompted awareness findings. Again, perhaps, the possibility exists that disabled respondents, although less likely to be aware of the legislation, are more likely than non-disabled people to mention it as an example of an employment right (because it is more important to them).

Table 8.6: Prompted awareness of the right not to be discriminated against, by specific characteristics of interest

	Informed awareness (prompted)	
Specific characteristics of relevance to anti-discrimination legislation	**Aware of right not to be discriminated against**	**Unweighted base**
Disability or health problem? (%)		
Yes	86.2	99
No	92.1	898
Marital status (%)		
Single and living alone	94.2	184
Single and living with parents, friend or sibling	91.5	90
Married or living with another adult as a couple	90.4	592
Separated or divorced	87.3	117
Widowed	84.6	17

Note: all percentages are row percentages.

In Table 8.7, we look at employment characteristics:

Again, as with unprompted/partly prompted awareness, prompted awareness appears to be higher in the higher level occupations, and in the public administration, education and health sectors. Once again, there is a also clear tendency for union members to exhibit a higher level of awareness than non-members.

Table 8.7: Informed awareness (prompted) of the right not to be discriminated against, by employment characteristics

Employment characteristics	Informed awareness (prompted)	
	Aware of right not to be discriminated against	Unweighted base
Occupation (%)		
Managerial/admin	97.1	183
Professional/technical	94.2	196
Assoc. professional/technical	93.9	96
Clerical/secretarial	92.8	158
Craft/skilled manual	88.6	84
Personal/protective services	82.2	71
Sales	77.6	69
Plant/machine operatives	93.4	28
Other unskilled	84.4	101
Sector (%)		
Primary & extractive	78.9	21
Manufacturing, utilities & construction	91.4	198
Distribution, catering, transport *etc.*	84.5	234
Business and financial services	90.4	99
Public admin, education and health	95.2	313
Other services	91.7	68
Size of workplace (employees) (%)		
Under 15	89.0	173
15-49	89.2	198
50-199	88.9	211
200-499	92.4	123
500-1999	95.5	105
2000+	97.5	91
Employment status (%)		
Permanent	90.4	885
Temporary	93.0	102
Working time (%)		
Under 16 hours p.w.	88.7	75
16-34 hours p.w.	91.8	174
35 + hours p.w.	90.8	751
Union membership (%)		
Member	94.8	333
Non- member	88.5	642

Note: all percentages are row percentages.

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Finally, however, Table 8.8 does not confirm the pattern recorded in the unprompted/partly prompted awareness data above, and there is no clear tendency for those with experience of employment problems related to discrimination to be more likely to report awareness of this area. Again, however, given that the data suggest[1] that those most likely to report discrimination-related problems are those with disabilities and from ethnic minorities, this may simply reflect the findings already noted for these groups in Tables 8.5 and 8.6 above.

Table : Informed awareness (prompted) of the right not to be discriminated against, by experience of problems at work relating to this area of law

Employment characteristics	Informed awareness (prompted)	
	Aware of right not to be discriminated against	Unweighted base
Had experience of this area of law (%)	90.0	27
Experienced problems but not with this area of law (%)	84.6	137
No problems with employment law (%)	91.9	836

8.3 Substantive knowledge

In this section we report the substantive knowledge-testing questions, which asked detailed questions about sex, race and disability discrimination legislation to respondents who had already indicated that they were 'aware' of the right to be treated fairly regardless of race, sex or disability.

8.3.1 Details of the knowledge testing questions

Six detailed knowledge questions were asked (all were multiple choice):

- one related to the size threshold (15 employees) for an employer to be covered by the Disability Discrimination Act, 1995 (DDA)
- a second asked a similar question about coverage by sex and race discrimination legislation (there is no size threshold)
- another asked about how long an individual must work with an employer to be covered by anti-discrimination legislation (there is no length of service criterion)

[1] This unsurprising finding is not reported in detail, because of the very small cell sizes involved.

- another asked about personal characteristics which are *not* covered by anti-discrimination legislation (the example given was age)
- a fifth question asked about whether there is still a quota for the employment of disabled people (there is not)
- the last question asked about whether anti-discrimination legislation covers promotion and training issues (it does).

The responses to these questions are summarised in Table 8.9 below.

The proportion of respondents getting the answers correct varied considerably.

- The highest proportion (81 per cent) knew that people are covered by anti-discrimination from day one of their employment (this is much higher than chance, with a three option multiple choice question).
- 71 per cent knew that there is no quota under the DDA, but that employers must show that they do not discriminate against disabled people (again, higher than chance with a two option multiple choice question).
- 66 per cent knew that anti-discrimination legislation covers both promotion and training issues (in a four option multiple choice question).
- 53 per cent knew that race and sex discrimination legislation applies to all employers, regardless of size (three option, multiple choice question).
- Only just over a quarter, however (27 per cent) knew that age is not covered by anti-discrimination legislation (in a three option, multiple choice question), whilst nearly two thirds thought, incorrectly, that marital status is not covered by such legislation.
- The least well known of the provisions tested was the DDA employment threshold, with only 18 per cent correctly choosing the threshold of 15 employees from a three option menu.

Table 8.10 looks at how the answers to the substantive knowledge questions on anti-discrimination legislation varied according to respondents' own assessment of their levels of awareness and knowledge.

Table 8.9: Details of knowledge questions for anti-discrimination legislation

Question	Question type	Response option	% of those asked question	% of total sample
Discrimination questions: asked of those with prior awareness of anti-discrimination legislation				
How many employees must an organisation have before they are covered by the Disability Discrimination Act? **(DDA, employer size)**	Multiple choice (3 options)			
		1	29.7	27.1
		15	**17.9**	**16.3**
		35	5.7	5.2
		Don't know	46.7	42.7
How many employees must an organisation have before they are covered by race and sex discrimination legislation? **(Race & sex discrim., employer size)**	Multiple choice (3 options)			
		1	**52.7**	**48.2**
		15	8.0	7.3
		35	2.4	2.2
		Don't know	36.9	33.7
How long must an individual have worked at an organisation before they are covered by anti-discrimination legislation? **(Discrimination, length of service)**	Multiple choice (3 options)			
		They are covered from day one	**80.9**	**73.9**
		After one month	1.6	1.4
		After three months	2.9	2.6
		Don't know	14.6	13.4
Which of the following is not covered by anti-discrimination legislation? **(Discrimination, not covered)**	Multiple choice (3 options)			
		An individual's marital status	32.1	29.3
		An individual's age	**26.7**	**24.4**
		An individual's ethnic background	5.0	4.5
		Don't know	36.3	33.2
Which of the following is true in relation to the employment of people with disabilities? **(DDA, provision)**	Multiple choice (2 options)			
		Employers must employ a percentage of people with disabilities	19.8	18.1
		Employers must show that they do not discriminate against people with disabilities	**70.7**	**64.6**
		Don't know	9.5	8.7
In which of the following aspects of employment must an employer demonstrate that they are treating all employees fairly? **(Equality of work opportunities)**	Multiple choice (4 options)			
		Access to training only	8.6	7.9
		Access to promotion only	2.0	1.8
		Both	**65.8**	**60.1**
		Neither	5.3	4.8
		Don't know	18.3	16.7
		Unweighted base (n=100%)	927	1000

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Table 8.10: Knowledge of anti-discrimination legislation by self assessed awareness/knowledge combined

	Substantive knowledge						
	DDA employer size	Race & sex discrim. employer size	Discrimination length of service	Discrimination not covered	DDA provision	Equality of work opportunities	
Self assessed awareness/knowledge	**Correct**	**Correct**	**Correct**	**Correct**	**Correct**	**Correct**	**Unweighted base**
Well informed and knowledgeable (%)	18.6	55.3	85.7	32.9	69.1	64.8	179
Well informed but could know more (%)	19.8	53.7	82.3	27.2	69.7	67.2	465
Not well informed and could know more (%)	13.8	49.6	76.3	21.2	73.0	62.2	257
Not well informed and not interested (%)	14.8	44.4	67.9	25.9	74.1	74.1	26

Note: all percentages are row percentages.

Generally speaking, the relationship is in the expected direction, *ie* in four of the six cases, respondents who assess themselves as being well informed and/or knowledgeable in general terms are generally more likely to answer the substantive knowledge questions correctly than those who see themselves as 'not well-informed'. The exceptions are the substantive knowledge questions, relating to whether the DDA requires a quota or not, and to whether anti-discrimination legislation covers both training and promotion issues.

Table 8.11 looks at the six substantive knowledge questions on discrimination by a range of personal characteristics, and shows that:

- There is no consistent gender pattern – in some cases a higher proportion of men get the answer right, in others a higher proportion of women. It should be noted that none of the questions specifically focus on sex discrimination issues.
- Similarly, there is no clear age pattern, in some cases the proportion getting the right answer increases with age, in others it does not. It is, however, interesting to note that the proportion of respondents who know that age is not currently the subject of anti-discrimination legislation is much higher among the oldest respondents than the youngest.
- Although caution should be exercised given the relatively small number of respondents from minority ethnic communities, it is nevertheless notable, that in all cases, a higher proportion of white than non-white respondents get the answer right (in some cases, a substantially higher proportion).

Table 8.11: Knowledge of anti-discrimination legislation by personal characteristics

	Substantive knowledge						
	DDA employer size	Race & sex discrim. employer size	Discrim. length of service	Discrim. not covered	DDA provision	Equality of work opport-unities	
Personal characteristics	Correct	Correct	Correct	Correct	Correct	Correct	Unweighted base
Gender (%)							
Male	18.7	52.4	82.5	29.8	69.1	61.2	403
Female	16.7	53.2	79.0	22.5	72.6	71.8	524
Ethnic origin (%)							
White	18.1	53.3	81.4	27.1	70.8	66.2	882
Non-white	14.9	38.3	70.8	18.4	66.7	64.6	39
Age (%)							
16-25	10.1	54.3	90.7	17.8	78.5	72.1	127
26-35	14.3	63.2	79.9	26.4	76.6	64.6	248
36-45	17.3	55.1	82.4	30.3	78.4	69.8	260
46-55	23.1	43.6	76.3	25.1	55.7	60.0	213
56-64	28.1	31.3	73.8	31.8	50.8	56.9	76
Highest qualification (%)							
No qualifications	19.3	35.7	61.4	15.7	57.8	53.0	132
NVQ 1	8.3	37.6	64.3	20.0	54.2	51.2	88
NVQ 2	16.9	53.2	78.2	28.2	75.5	66.5	203
NVQ 3	17.0	54.1	90.5	17.7	72.8	72.1	160
NVQ 4	22.1	61.9	89.3	36.4	74.2	68.5	273
NVQ 5	18.8	54.0	84.4	22.2	74.6	74.6	63

Note: all percentages are row percentages.

- In nearly all of the cases, there is some tendency for substantial knowledge of these anti-discrimination rights to increase with educational level.

Table 8.12 looks at how the answers to the substantive knowledge questions vary with respondents' disability and marital status:

- Disabled people, unsurprisingly, are more likely than non-disabled people, to know that the DDA employer threshold is 15 employees. Also they are more likely to know that age discrimination is not covered by employment legislation (this may be an age effect, given that the incidence of disability increases strongly with age). On all other questions, however (including the question of whether the DDA includes a quota requirement for employers), disabled people are less likely than non-disabled people to get the answer right.

Table 8.12: Knowledge of anti-discrimination legislation by individual characteristics of specific interest

	Substantive knowledge						
	DDA employer size	Race & sex discrim. employer size	Discrim. length of service	Discrim. not covered	DDA provision	Equality of work opport-unities	
Characteristics	**Correct**	**Correct**	**Correct**	**Correct**	**Correct**	**Correct**	**Unweighted base**
Disability or health problem? (%)							
Yes	21.4	50.3	74.7	34.5	64.7	56.2	84
No	16.9	53.2	82.4	25.0	72.0	67.8	841
Marital status (%)							
Single and living alone	13.8	65.2	87.2	28.7	71.4	68.7	174
Single and living with parents, friend or sibling	12.9	43.7	75.6	22.1	78.8	70.6	81
Married or living with another adult as a couple	18.6	52.0	81.9	29.1	71.0	66.1	551
Separated or divorced	21.4	42.7	72.1	16.2	62.2	59.5	106
Widowed	45.5	54.5	63.6	*	72.7	*	15

Note: all percentages are row percentages.
** = fewer than five respondents in cell*

- There are no consistent patterns across the six questions, as far as the variation in response by marital status is concerned.

Turning to employment characteristics (Table 8.13), there are few strong patterns which emerge:

- There is some tendency, in all of the areas of discrimination law tested, for substantive knowledge to be more widespread among managerial and professional employees, and least widespread in some low skilled and manual occupations.
- There are no consistent patterns in substantive knowledge across the six question areas by sector or establishment size, although it is interesting to note that the smallest establishments are most likely to be aware of the DDA size threshold. It should be noted that the DDA threshold applies not to establishment size, but to organisation size, so we also present data in the table on this latter variable, which does not suggest that there is a significant difference in knowledge about the threshold according to the whether or not the organisation is covered by the employment provisions of the DDA.
- Similarly, the permanent/temporary distinction is not a good predictor of whether respondents will answer these substantive knowledge questions correctly – in some cases a higher proportion of permanent staff get the answer right, in other cases it is temporary employees who do better. The same is true of working time patterns and union membership.

Table 8.13: Knowledge of anti-discrimination legislation by employment characteristics

	Substantive knowledge						
Employment characteristics	DDA employer size Correct	Race & sex discrim. employer size Correct	Discrim. length of service Correct	Discrim. not covered Correct	DDA provision Correct	Equality of work opport-unities Correct	Unweighted base
Occupation (%)							
Managerial/admin	25.5	64.2	88.6	34.3	79.5	63.9	177
Professional/technical	25.0	52.3	91.7	31.3	72.2	75.8	186
Assoc. professional/technical	6.5	54.3	83.7	32.6	69.9	75.0	91
Clerical/secretarial	13.3	52.7	81.4	29.5	67.2	71.1	148
Craft/skilled manual	14.7	54.9	79.2	20.8	74.5	71.6	73
Personal/protective services	16.0	42.7	85.1	12.0	58.1	52.7	61
Sales	11.8	49.3	77.6	27.9	79.4	68.1	62
Plant/machine operatives	22.5	46.5	47.9	15.3	59.2	41.7	26
Other unskilled	18.5	36.4	70.9	14.8	66.7	59.3	89
Sector (%)							
Primary & extractive	*	68.8	81.3	*	75.0	80.0	18
Manuf., utilities & construction	20.3	49.2	75.5	22.5	64.0	55.9	178
Distribution, catering, transport etc	11.7	50.5	81.4	25.6	71.1	61.1	213
Business and financial services	23.0	54.7	79.1	29.4	77.9	57.0	93
Public admin, education & health	20.2	54.1	87.6	31.2	70.2	76.1	299
Other services	22.2	50.9	83.6	34.5	88.9	74.5	63
Size of workplace (employees) (%)							
Under 15	21.4	56.1	79.4	20.6	76.3	58.0	158
15-49	19.5	53.1	77.5	25.6	76.3	57.2	181
50-199	18.9	57.3	84.9	38.4	76.8	73.1	193
200-499	17.3	49.6	88.1	23.1	67.2	69.4	117
500-1999	9.4	40.0	72.6	22.9	60.0	70.5	100
2000+	20.0	41.3	85.0	24.1	58.2	60.5	88
Size of organisation (employees) (%)							
Under 15	15.1	61.6	76.7	23.0	78.4	56.2	84
15 or more	18.6	50.6	82.7	27.9	71.0	65.3	652
Employment status (%)							
Permanent	18.9	51.0	80.9	26.6	70.0	63.7	820
Temporary	11.8	63.0	82.5	25.2	76.5	80.0	94
Working time (%)							
Under 16 hours p.w.	20.8	51.1	66.0	25.5	72.9	68.1	68
16-34 hours p.w.	17.9	41.1	73.8	21.1	73.2	61.8	164
35 + hours p.w.	17.6	54.8	83.2	27.7	70.1	66.3	695
Union membership (%)							
Member	16.6	47.1	78.1	26.9	64.1	68.2	318
Non-member	18.8	54.4	82.2	25.0	73.6	64.4	585

Note: all percentages are row percentages.

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Finally (Table 8.14) there is no evidence that experience of employment problems relating to discrimination is associated consistently with greater substantive knowledge of the law in this area – in some cases there is a relationship of this kind, in others the relationship is in the opposite direction. It needs to be stressed, however, that the questions cover a wide range of different discrimination legislation, and it may be that there would be a clearer relationship if we were able to look at respondents' experience of particular kinds of discrimination (sex, race, disability *etc.*) and relate this to their substantive knowledge of the relevant item of anti-discrimination legislation. Unfortunately, the numbers involved in each case would be too small for any reliable analysis of this kind.

Table 8.14: Knowledge of anti-discrimination legislation by experience of problem in this area

	Substantive knowledge						
	DDA employer size	Race & sex discrim. employer size	Discrim. length of service	Discrim. not covered	DDA provision	Equality of work opport-unities	
Employment characteristics	**Correct**	**Correct**	**Correct**	**Correct**	**Correct**	**Correct**	**Unweighted base**
Had experience of this area of law (%)	17.9	71.4	67.9	14.3	48.1	85.2	24
Experienced problems but not with this area of law (%)	19.6	66.1	89.3	34.8	70.5	68.8	123
No problems with employment law (%)	17.6	50.1	80.2	26.0	71.5	64.6	780

Note: all percentages are row percentages.

8.4 Perception of entitlements (scenarios)

As in each of the other areas of employment rights being examined, respondents were presented with three hypothetical situations or scenarios, each representing an infringement of a particular provision of anti-discrimination legislation. They were asked to identify whether, in their view, the situation was lawful or not.

The three scenarios were as follows:

Race discrimination – benefits

You have a friend who works for a large organisation and who has just been promoted to a senior position. Your friend is Asian, but everyone else at this level is white. Previously, staff at this level have been given a car as part of the package. Your friend has been told that he will not be receiving a car, but is not given any reason for this.

Sex discrimination – dress code

The uniform at a company where your friend works is set – men are given trousers to wear and women are required to wear skirts. Your friend objects to the uniform and asks if she can be given trousers to wear. The application is refused and the employer tells her that unless she conforms to the standard uniform she faces disciplinary action.

Disability discrimination – promotion

When a round of promotion is in process at your friend's employer, a number of items from the personnel records are used to determine who gains promotion. One of the items used is the sickness record of the employee. Your friend is disabled and has been forced to take more days off than the rest of the candidates. On this basis he is refused promotion.

8.4.1 Extent to which respondents identified scenarios as unlawful

As Table 8.15 shows, in each case the majority of respondents identified each of the described scenarios as unlawful. The largest proportion identifying the scenario as unlawful related to the race discrimination example, and the smallest to the sex discrimination (dress code) case.

Table 8.15: Perception of entitlement re: anti-discrimination legislation

Perception of entitlement	Scenario concerned		
	Race discrimination – benefits (%)	Sex discrimination – dress code (%)	Disability discrimination – promotion (%)
Identified as unlawful	78.2	64.8	73.8
Unable to identify as unlawful	21.8	35.2	26.2
Unweighted base (n =100%)	205	206	176

8.4.2 Perception of entitlement by self assessed awareness/knowledge

Table 8.16 shows that there is no tendency for those who have a more positive assessment of their own levels of awareness/ knowledge of employment rights in general, to exhibit higher than average levels of substantive knowledge of the details of anti-discrimination legislation. To the contrary, in all three of the scenario examples, those who saw themselves as well informed and knowledgeable were less likely than average (sometimes considerably so) to identify the discrimination scenarios as unlawful.

Table 8.16: Perception of entitlement re: anti-discrimination legislation by self assessed awareness/knowledge

	Perception of entitlement					
	Race discrimination — benefits		Sex discrimination — dress code		Disability discrimination — promotion	
Self assessed awareness/knowledge	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base
Well informed and knowledgeable (%)	75.8	40	40.0	36	63.3	38
Well informed but could know more (%)	79.2	106	68.2	102	73.3	82
Not well informed and could know more (%)	77.3	55	67.2	62	80.4	52
Not well informed and not interested (%)	*	4	100.0	6	*	4

Note: all percentages are row percentages.
** = fewer than five respondents in cell.*

8.4.3 Perception of entitlement by individual characteristics

Table 8.17 looks at the proportion identifying each of the discrimination scenarios as unlawful, broken down by personal characteristics:

- The gender pattern is slightly counterintuitive — women are more likely than men to identify the race and disability discrimination scenarios as unlawful, but *less* likely than men to identify the sex discrimination scenario as unlawful.
- While there are too few non-white cases to draw strong conclusions about the variation by ethnic group, it is nevertheless notable that the proportion of non-whites identifying the race discrimination scenario as unlawful exceeds that of whites.
- It is also interesting to note that in the case of both race and sex discrimination scenarios the proportion identifying the scenario as unlawful decreases significantly with age (in the third example — disability discrimination — there is no clear pattern).
- There is no clear or consistent pattern by educational level.

Table 8.17: Perception of entitlement of anti-discrimination legislation by personal characteristics

	Perception of entitlement					
	Race discrimination — benefits		Sex discrimination — dress code		Disability discrimination — promotion	
Personal characteristics	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base
Gender (%)						
Male	74.7	81	68.8	87	71.0	71
Female	82.7	124	60.2	119	76.5	105
Ethnic origin (%)						
White	76.9	193	63.8	200	72.9	169
Non-white	93.3	10	*	6	*	5
Age (%)						
16-25	88.9	33	65.6	30	86.7	27
26-35	84.3	62	69.7	56	82.9	37
36-45	76.9	45	56.0	52	65.9	52
46-55	72.1	48	72.1	48	60.4	48
56-64	50.0	14	44.4	20	88.2	12
Highest qualification (%)						
No qualifications	75.0	32	66.7	33	68.4	24
NVQ 1	78.6	18	76.9	14	89.5	20
NVQ 2	83.3	44	57.4	49	73.0	33
NVQ 3	73.7	37	80.6	32	72.2	38
NVQ 4	77.4	61	66.7	58	76.7	43
NVQ 5	75.0	11	30.8	14	58.8	17

Note: all percentages are row percentages.
** = fewer than five respondents in cell.*

From Table 8.18, it can be seen that disabled people are more likely than non-disabled to identify disability discrimination, and sex discrimination as unlawful. There are no clear or consistent patterns by marital status in whether or not respondents identify the various discrimination scenarios as unlawful.

Table 8.18: Perception of entitlement of anti-discrimination legislation by specific characteristics of relevance to this area of law

	Perception of entitlement					
	Race discrimination — benefits		Sex discrimination — dress code		Disability discrimination — promotion	
Personal characteristics	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base
Disability or health problem? (%)						
Yes	77.8	14	69.6	20	80.6	18
No	78.8	189	63.3	186	72.7	158
Marital status (%)						
Single and living alone	77.8	35	72.2	37	83.3	34
Single and living with parents, friend or sibling	95.7	26	72.7	24	81.8	12
Married or living with another adult as a couple	71.6	115	59.1	124	74.4	103
Separated or divorced	94.7	23	77.8	17	66.7	24
Widowed	75.0	6	*	4	*	3

Note: all percentages are row percentages.

Table 8.19 presents the breakdown of scenario responses by the characteristics of the job or employer:

- There is no strong or clear pattern by sector, size of workplace, working time patterns or by occupational group, although it is notable that there is no evidence that respondents in higher level occupations (managerial and professional) are systematically more likely than other groups to identify the discrimination scenarios as unlawful.
- Both union members and permanent employees are more likely (than non-members or temporary employees, respectively) to identify the race and sex discrimination scenarios as unlawful, but both of these groups are *less* likely to identify the disability discrimination scenario as unlawful.

Table 8.19: Perception of entitlement of anti-discrimination legislation by employment characteristics

Employment characteristics	Perception of entitlement: Race discrimination — benefits: Identified as unlawful	Race discrimination — benefits: Un-weighted base	Sex discrimination — dress code: Identified as unlawful	Sex discrimination — dress code: Un-weighted base	Disability discrimination — promotion: Identified as unlawful	Disability discrimination — promotion: Un-weighted base
Occupation (%)						
Managerial/admin	61.8	34	51.1	46	77.4	36
Professional/technical	90.0	40	58.1	37	71.4	37
Assoc. professional/technical	94.4	15	52.0	27	77.8	11
Clerical/secretarial	75.0	34	59.1	29	88.9	30
Craft/skilled manual	95.7	19	66.7	10	63.2	16
Personal/protective services	83.3	20	88.2	10	46.2	11
Sales	82.4	17	86.4	13	100	14
Plant/machine operatives	*	4	*	6	*	5
Other unskilled	61.5	22	66.7	25	70.0	14
Sector (%)						
Primary & extractive	100	5	*	2	*	5
Manufacturing, utilities & construction	72.2	37	75.8	40	68.2	31
Distribution, catering, transport *etc.*	76.8	54	66.7	51	83.3	38
Business and financial services	78.9	22	50.0	26	90.9	16
Public admin, education and health	81.6	63	55.8	55	63.2	57
Other services	90.0	14	63.2	17	50.0	16
Size of workplace (no. of employees) (%)						
Under 15	80.8	42	62.1	29	58.3	41
15-49	81.3	51	68.6	43	73.9	32
50-199	78.1	39	67.3	45	76.3	36
200-499	87.0	26	74.5	27	75.0	20
500-1999	63.6	14	69.0	19	84.2	18
2000+	92.9	15	57.9	23	71.4	14
Employment status (%)						
Permanent	79.7	186	66.1	181	69.8	161
Temporary	66.7	18	61.3	22	95.8	13
Working time (%)						
Under 16 hours p.w.	87.5	24	*	7	100	10
16-34 hours p.w.	82.8	35	65.2	34	69.9	33
35 + hours p.w.	75.8	146	65.8	165	74.6	133
Union membership (%)						
Member	81.8	69	72.0	66	61.2	53
Non- member	80.5	132	63.7	134	78.7	119

Note: all percentages are row percentages.
** = fewer than five respondents in cell.*

Table 8.21: Knowledgeable perception of anti-discrimination legislation, by self-assessed awareness/knowledge

	Knowledgeable perception of entitlement (*ie* respondent named relevant area of law)								
	Race discrimination- benefits			Sex discrimination – dress code			Disability discrimination- promotion		
Self-assessed awareness/ knowledge	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh-ted base
Well informed and knowledgeable (%)	96.2	73.5	30	61.5	25.8	18	52.6	33.3	24
Well informed but could know more (%)	86.8	68.8	89	75.0	51.2	54	46.0	33.7	58
Not well informed and could know more (%)	100.0	77.3	41	77.5	51.7	38	53.7	43.1	36
Not well informed and not interested (%)	*	*	4	*	*	6	*	16.7	3

Note: all percentages are row percentages.
** = fewer than five respondents in cell.*

Finally, Table 8.22 extends the analysis with a breakdown by some key personal characteristics relevant to anti-discrimination legislation:

- A higher proportion of women than men, where they have identified the situation as an infringement, are able to explain their judgement using knowledge about the law in question. This applies not just to the sex discrimination example, but also to disability and (to a lesser extent) race.
- Similarly, although the cell sizes are very small in many cases, the data on ethnic origin and disability are consistent with the hypothesis that non-white respondents and disabled respondents are more likely (than white or non-disabled respondents respectively) to draw on some knowledge of the relevant legislation in assessing a discrimination situation as unlawful.

Table 8.22: Knowledgeable perception of anti-discrimination legislation, by individual characteristics

Characteristic	Knowledgeable perception of entitlement (*ie* respondent named relevant area of law)								
	Race discrimination- benefits			Sex discrimination – dress code			Disability discrimination- promotion		
	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base
Gender (%)									
Male	91.5	68.4	62	66.7	45.7	54	29.9	21.3	46
Female	92.5	76.5	102	83.1	50.0	62	68.9	52.5	75
Ethnic origin									
White	91.1	70.2	154	72.7	46.3	111	50.8	37.1	115
Non-white	100.0	93.3	9	*	*	5	*	*	4
Disability or health problem? (%)									
Yes	100.0	77.8	10	56.4	39.3	10	52.0	41.9	13
No	91.0	71.8	153	80.2	50.6	106	47.1	34.3	108

Note: all percentages are row percentages.
**= fewer than five respondents in cell.*

8.6 Taking action

Finally, Table 8.23 looks at the propensity of those respondents identifying an infringement in each of the scenarios to take action (such as seeking advice from an independent source, or discussing the matter with the employer, in the event that they faced a similar situation to that described in the scenario.

In each case a majority would take action, but it is notable that the propensity to take action is much higher in the cases of race and disability discrimination, than in the case of sex discrimination.

Table 8.23: Whether individuals would take action if scenarios related to anti-discrimination legislation happened to them

Whether individual would take action in that situation	Scenario		
	Race discrimination — benefits (%)	Sex discrimination — dress code (%)	Disability discrimination — promotion (%)
Yes, would take action	91.3	69.7	91.2
No, would not take action	8.7	30.3	8.8
Unweighted base (n = 100%)	164	116	121

Table 8.24 looks at how the propensity to take action in each of the three discrimination scenarios varies by the gender, ethnic origin and disability status of the respondent.

As far as gender is concerned, the results suggest that men would be more likely than women to take action in the case of the race discrimination example, whereas women would be more likely than men to take action in the disability discrimination scenario and in the sex discrimination scenario.

There are too few ethnic minority respondents asked the sex and disability discrimination scenarios for a breakdown to be possible, but it is notable that all of the non-white respondents confronted with the race discrimination scenario said that they would take action.

Similarly, all the disabled people asked the question would take action in the disability discrimination scenario, whereas, by contrast a higher proportion of non-disabled than disabled people would take action in the race discrimination example.

Table 8.24: Propensity to take action in discrimination scenarios by individual characteristics

	Scenario					
Individual characteristic	**Race discrimination - benefits**		**Sex discrimination – dress code**		**Disability discrimination - promotion**	
	% would take action	**Unweighted base**	**% would take action**	**Unweighted base**	**% would take action**	**Unweighted base**
Gender (%)						
Male	95.8	62	64.8	54	86.4	46
Female	86.6	102	77.6	62	96.8	75
Ethnicity (%)						
White	90.2	154	69.1	111	91.0	115
Non-white	100	9	*	5	*	4
Disability? (%)						
Yes	78.6	10	*	10	100	13
No	92.7	153	81.3	106	89.3	108

Note: all percentages are row percentages.

9. Awareness and Knowledge of Unfair Dismissal Rights

Key findings

Only one percent of respondents named unfair dismissal (unprompted or partly prompted) as an example of employment legislation. Women, white respondents, those in intermediate occupations, and in the public administration, education and health sectors, along with permanent employees and union members are most likely to cite unfair dismissal legislation.

On the other hand the vast majority of respondents (90 per cent) were aware of the existence of such legislation, when prompted. Prompted awareness was higher among women, whites, older and better qualified people, as well as those in managerial and professional jobs, full-time workers and union members.

Substantive knowledge of the details of the legislation in this area varied — thus, less than a quarter of respondents correctly identified the time limit for tribunal applications in unfair dismissal cases, whereas nearly 90 per cent knew that an employee could be represented in disciplinary/grievance meetings with their employer.

Substantive knowledge of unfair dismissal legislation is higher among full-time employees, permanent staff and union members (than among part-timers, temporary employees and non-members).

The very small proportion of respondents who had experienced an unfair dismissal situation were, however, significantly more likely to demonstrate informed awareness of unfair dismissal legislation, and to demonstrate substantive knowledge of the details of the legislation.

Faced with three unfair dismissal scenarios, over 90 per cent of respondents identified a scenario of unfair dismissal on grounds of sexual orientation as unlawful. In scenarios related to unfair dismissal on grounds of age, and sickness, the proportions fell to 83 per cent and 69 per cent respectively. Women are more likely than men to identify the scenarios as unlawful in all three cases.

Whether the identification of the scenario as unlawful was based on knowledge of the underlying legislation varied — thus only 16 per cent of those identifying the sexual orientation example as unlawful could base their reasons for this in the relevant legislation, whereas for the age and sickness examples the proportions were 44 and 58 per cent respectively.

When asked if they would take action when faced with a situation similar to that described in the scenarios, the vast majority of respondents (over 90 per cent in each of the scenarios) said yes.

In Chapter 9, which is the last of those looking at specific areas of employment law, we present findings on respondents' awareness and knowledge of their rights and legislation with regard to unfair dismissal.

9.1 Informed awareness (unprompted and partly prompted)

This section is based on those responses to the question:

'Can you tell me of any laws that protect your rights at work?'

in which the individual named legislation protecting employees from unfair dismissal.

Table 3.5 in Chapter 3 showed, however, that only a very small minority of respondents (1 per cent) named unfair dismissal legislation in response to this question or after a further prompt.

In Tables 9.1 to 9.3, therefore, we present a more detailed breakdown of this group of respondents by their various characteristics and experiences – the conclusions which can be drawn are, however, heavily limited by the very small number of respondents involved.

From Table 9.1, which looks at personal characteristics, we can see that:

- women are more likely than men to mention unfair dismissal
- white respondents are more likely than non-whites to mention unfair dismissal
- there are no clear patterns by age or educational level.

Turning to employment characteristics (Table 9.2), and again exercising some caution because of the small number of cases involved, and the fact that unprompted/partly prompted awareness of unfair dismissal legislation is extremely low in all categories, we can see the following:

- White collar and skilled manual employees are more likely to cite unfair dismissal than those in lower level occupations (in which groups there are no respondents who cite this legislation).
- Unprompted or partly prompted awareness of unfair dismissal rights is more common in the public administration, education and health sectors than elsewhere.

- There is no clear pattern by size of workplace, or by working time pattern.
- Permanent employees and union members[1] are more likely to cite unfair dismissal rights than temporary staff and non-union members.

Table 9.1: Informed awareness of unfair dismissal rights by personal characteristics

Personal characteristics	Informed Awareness (unprompted or partly prompted)	
	Named unfair dismissal	Unweighted base
Gender (%)		
Male	0.9	444
Female	1.4	556
Ethnic origin (%)		
White	1.2	949
Non-white	0.0	45
Age (%)		
16-25	1.4	139
26-35	0.4	273
36-45	0.7	276
46-55	2.7	228
56-64	0.0	81
Highest qualification (%)		
No qualifications	0.0	150
NVQ 1	3.4	96
NVQ 2	0.7	221
NVQ 3	0.7	173
NVQ 4	1.0	283
NVQ 5	1.5	66

Note: all percentages are row percentages.
**= fewer than five respondents in cell.*

[1] It is worth noting that permanent employees are more likely to be union members than are temporary staff. Thus 32 per cent of permanent employees in the sample are union members, compared with only 11 per cent of temporary employees.

Table 9.2: Informed awareness (unprompted or partly prompted) of unfair dismissal rights by employment characteristics

Employment characteristics	Informed awareness (unprompted or partly prompted) Named an unfair dismissal right	Unweighted base
Occupation (%)		
Managerial/admin	1.2	183
Professional/technical	2.2	196
Assoc. professional/technical	1.0	96
Clerical/secretarial	1.5	158
Craft/skilled manual	1.8	84
Personal/protective services	0.0	71
Sales	0.0	69
Plant/machine operatives	0.0	28
Other unskilled	0.0	101
Sector (%)		
Primary & extractive	0.0	21
Manufacturing, utilities & construction	0.8	198
Distribution, catering, transport *etc.*	0.8	234
Business and financial services	1.1	99
Public admin, education and health	2.2	313
Other services	0.0	68
Size of workplace (employees) (%)		
Under 15	2.0	173
15-49	1.7	198
50-199	1.0	211
200-499	2.1	123
500-1999	0.0	105
2000+	1.2	91
Employment status (%)		
Permanent	1.3	885
Temporary	0.0	102
Working time (%)		
Under 16 hours p.w.	0.0	75
16-34 hours p.w.	1.5	174
35 + hours p.w.	1.1	751
Union membership (%)		
Member	2.0	333
Non member	0.8	642

Note: all percentages are row percentages.

Finally (Table 9.3), the very small proportion of respondents with direct experience of an unfair dismissal situation or similar at work, are substantially more likely than others to cite this right in response to the unprompted/partly prompted question.

Table 9.3: Informed awareness (unprompted or partly prompted) of unfair dismissal rights by experience of problems at work relating to this area of law

	Informed Awareness (unprompted or partly prompted)	
Experience of problem in relation to unfair dismissal	**Named an unfair dismissal right**	**Unweighted base**
Had experience of this area of law (%)	8.0	25
Experienced problems but not with this area of law (%)	0.7	140
No problems with employment law (%)	1.1	835

Note: all percentages are row percentages.

9.2 Informed awareness (prompted)

Following the unprompted and partly prompted awareness questions, respondents were asked a direct question about their awareness of unfair dismissal legislation. In contrast to the other areas of law, where a specific piece of legislation was covered, in anti-discrimination legislation a more general question was asked (covering several pieces of legislation), as follows:

> *'Another area of employment rights covers the right not to be dismissed unfairly. Were you aware of this right?'*

Although, as we saw above, very few people mentioned this area of legislation unprompted, when a direct question was asked, as many as 90 per cent of respondents said yes to this question (see Table 3.6), and below we look at how this proportion varies with respondents' personal and job characteristics:

- women are slightly more likely than men to report prior awareness of unfair dismissal legislation
- white respondents are considerably more likely to report awareness than non-whites
- reported awareness tends to increase with age and qualification level.

Table 9.4: Informed awareness (prompted) of the right not to be unfairly dismissed by personal characteristics

Personal characteristics	Informed awareness (prompted)	
	Aware of right not to be dismissed unfairly	Unweighted base
Gender (%)		
Male	89.2	444
Female	91.0	556
Ethnic origin (%)		
White	91.1	949
Non-white	75.9	45
Age (%)		
16-25	88.7	139
26-35	84.9	273
36-45	90.7	276
46-55	93.7	228
56-64	97.3	81
Highest qualification (%)		
No qualifications	82.7	150
NVQ 1	90.9	96
NVQ 2	86.0	221
NVQ 3	92.8	173
NVQ 4	93.4	283
NVQ 5	97.1	66

Note: all percentages are row percentages.

Table 9.5 repeats this analysis by employment characteristics, and shows that:

- Respondents in non-manual and skilled occupations (especially managerial and professional jobs) are more likely than those in lower level occupations to report awareness of unfair dismissal legislation.
- Awareness is highest in financial and business services, and primary and extractive sectors, and lowest in the distribution, catering and related sectors.
- There is no clear relationship by workplace size.

Table 9.5: Informed awareness (prompted) of the right not to be unfairly dismissed by employment characteristics

Employment characteristics	Informed awareness (prompted)	
	Aware of right not to be dismissed unfairly	Unweighted base
Occupation (%)		
Managerial/admin	94.2	183
Professional/technical	95.7	196
Assoc. professional/technical	86.9	96
Clerical/secretarial	91.2	158
Craft/skilled manual	92.1	84
Personal/protective services	78.9	71
Sales	88.1	69
Plant/machine operatives	90.8	28
Other unskilled	82.5	101
Sector (%)		
Primary & extractive	94.7	21
Manufacturing, utilities & construction	89.5	198
Distribution, catering, transport *etc.*	85.8	234
Business and financial services	94.7	99
Public admin, education and health	92.1	313
Other services	86.7	68
Size of workplace (no. of employees) (%)		
Under 15	90.4	173
15-49	88.6	198
50-199	88.4	211
200-499	89.5	123
500-1999	95.5	105
2000+	89.0	91
Employment status (%)		
Permanent	89.7	885
Temporary	93.0	102
Working time (%)		
Under 16 hours p.w.	79.2	75
16-34 hours p.w.	91.7	174
35 + hours p.w.	90.4	751
Union membership (%)		
Member	92.5	333
Non- member	89.0	642

Note: all percentages are row percentages.

- Temporary workers are more likely to report awareness than their permanent colleagues (which contrasts with the earlier finding that they were *less* likely to cite this legislation unprompted or after an example).
- Part-time workers (working less than 16 hours a week) are less likely to answer that they were previously aware of this right, than are employees working longer hours.
- Union members are more likely to report prior awareness of unfair dismissal legislation than non-members.

Finally, once again (Table 9.6) respondents with experience of employment problems relating to dismissal are more likely than others to report that they were aware of their right not to be unfairly dismissed.

Table : Informed awareness (prompted) of the right not to be dismissed unfairly by experience of problems at work relating to this area of law

	Informed awareness (prompted)	
Employment characteristics	**Aware of right not to be dismissed unfairly**	**Unweighted base**
Had experience of this area of law (%)	96.0	25
Experienced problems but not with this area of law (%)	88.9	140
No problems with employment law (%)	90.1	835

9.3 Substantive knowledge

In this section we report the substantive knowledge questions about the detailed provisions of unfair dismissal legislation, which were asked of those respondents who reported having a prior awareness of the right not to be dismissed unfairly.

9.3.1 Details of the knowledge testing questions

Three substantive knowledge questions were asked about unfair dismissal:

- a multiple choice question about the time limit for taking a tribunal case of unfair dismissal against an employer
- a multiple choice 'yes/no' question about employee entitlement to representation in grievance or disciplinary meetings with their employer
- for those who answered, in response to the previous question that representation was allowed, a question (with multiple

answers, all correct) about what kinds of representatives are allowed under the legislation.

Table 9.7 below summarises these questions and the overall sample's response to them. Around a quarter correctly answered that the time limit for tribunal applications for unfair dismissal. Given, however, that respondents were offered four options, this response is close to what would have been expected if respondents had been answering randomly.

The vast majority, however, knew that they were entitled to representation in disciplinary or grievance meetings. When it came to who could advise them, the commonest responses related to union representatives and officials. Respondents were slightly less likely to know that they could be represented by other people such as colleagues, friends or other advisers.

Table 9.7: Details of knowledge questions for unfair dismissal rights

Question	Question type	Response option	% of those asked question	% of total sample
Unfair dismissal questions: asked of those with prior awareness of unfair dismissal rights				
If a person wants to complain to a tribunal about unfair dismissal they must do so within a set time from the date of the dismissal. How soon after the dismissal must they make their complaint? **(tribunal application – time limit)**	Multiple choice (4 options)			
		One month	21.1	19.0
		Three months	**24.2**	**21.8**
		Six months	13.0	11.7
		One year	7.4	6.7
		Don't know	34.3	30.9
Is an employee entitled to representation in any meetings with their employer regarding disciplinary or grievance matters? **(discipline and grievance – right to representation)**	Multiple choice (2 options)			
		Yes	**89.4**	**80.5**
		No	2.9	2.6
		Don't know	7.7	6.6
		Unweighted base	900	1000
Which of the following can represent them? **(discipline and grievance – who can represent)**	Multiple response (4 options, all of which are correct)			
		Colleague/friend employed by same organisation	76.4	66.8
		Union representative (from their workplace)	93.8	81.9
		Union official (full time union employee)	86.3	75.4
		Other adviser	68.5	59.9
		Don't know	2.1	1.9
		Unweighted base*	874	1000

** Note: as this question was multiple response, responses can sum to more than 100%.*

As Table 9.8 shows, however, only just over half of respondents knew that all four of the possible types of representatives could represent an employee in disciplinary or grievance meetings.

Table 9.8: Knowledge of representatives entitled to act in disciplinary/grievance meetings with employer

Number of options correctly identified	% of those asked question	% of total sample
0	2.1	1.9
1	4.9	4.3
2	11.2	9.8
3	29.2	25.6
4	52.5	46.0
Unweighted base (n = 100%)	874	1000

From Table 9.9 we can see that in some cases there is a positive relationship between respondents' self-assessment of their general level of awareness and/or knowledge of employment rights, and their substantial knowledge of unfair dismissal legislation as tested by these questions. In particular those who rated themselves well informed and knowledgeable were rather more likely than average to know that there was a right to representation in meetings with the employer, and considerably more likely than average to know that all four of the categories listed could act as a representative in this context. In the case of knowledge of the time limit for tribunal applications, however, there is no such relationship.

Table 9.9: Knowledge of unfair dismissal rights by self assessed awareness/knowledge combined

	Substantive knowledge				
	Tribunal application time limit	Discipline and grievance right to representation		Discipline and grievance, who can represent (all 4 options selected)	
Self assessed awareness/knowledge	Correct	Correct	Unweighted base	Correct	Unweighted base
Well informed and knowledgeable (%)	21.4	92.5	171	61.5	169
Well informed but could know more (%)	25.6	89.3	462	56.0	444
Not well informed and could know more (%)	23.2	88.0	244	40.0	240
Not well informed and not interested (%)	31.8	87.0	23	36.4	21

Note: all percentages are row percentages.

From Table 9.10, it can be seen that:

- Women are less likely than men to exhibit substantive knowledge of the tribunal application time limit and the right to representation at meetings with the employer.
- White respondents are more likely to know about the tribunal time limit for applications, while non-white respondents are more likely to know about the right to representation.
- In all three cases, knowledge appears to increase with age up to the 46-55 age group, but there is no clear relationship between substantive knowledge as expressed by the answers to these questions and respondents' educational level (except for knowledge of the right to representation, which appears to increase with qualification level).

Table 9.10: Knowledge of unfair dismissal rights by personal characteristics

	Substantive knowledge				
	Tribunal application time limit	Discipline and grievance right to representation		Discipline and grievance who can represent (all 4 options selected)	
Personal characteristics	Correct	Correct	Unweighted base	Correct	Unweighted base
Gender (%)					
Male	26.7	91.7	399	52.5	382
Female	20.8	86.7	501	52.7	492
Ethnic origin (%)					
White	25.4	89.1	862	54.0	837
Non-white	2.4	95.1	33	23.1	32
Age (%)					
16-25	16.9	84.0	121	39.2	116
26-35	22.9	85.2	239	47.0	233
36-45	27.2	92.2	252	55.9	247
46-55	30.0	95.7	209	62.3	205
56-64	9.9	84.5	76	51.5	70
Highest qualification (%)					
No qualifications	26.8	81.7	123	51.3	115
NVQ 1	33.8	87.5	83	36.8	81
NVQ 2	22.4	87.4	198	51.8	194
NVQ 3	27.5	92.2	153	64.7	150
NVQ 4	21.7	92.5	270	55.3	265
NVQ 5	24.2	92.5	64	39.7	61

Note: all percentages are row percentages.

Table 9.11: Knowledge of unfair dismissal rights by employment characteristics

	Substantive knowledge				
	Tribunal application time limit	Discipline and grievance right to representation		Discipline and grievance who can represent (all 4 options selected)	
Employment characteristics	Correct	Correct	Unweighted base	Correct	Unweighted base
Occupation (%)					
Managerial/admin	25.5	93.8	172	59.4	167
Professional/technical	21.1	91.7	190	61.2	185
Assoc. professional/technical	12.8	95.3	85	50.0	84
Clerical/secretarial	26.4	84.0	142	57.3	139
Craft/skilled manual	21.9	90.5	74	51.4	73
Personal/protective services	32.4	80.6	56	37.7	55
Sales	13.5	85.3	60	55.7	57
Plant/machine operatives	47.8	98.6	25	50.0	25
Other unskilled	19.2	84.6	84	31.3	78
Sector (%)					
Primary & extractive	27.8	77.8	20	55.6	20
Manufacturing, utilities & construction	32.6	92.2	175	57.0	169
Distribution, catering, transport *etc.*	17.1	89.3	205	48.2	200
Business and financial services	16.9	84.3	96	44.0	93
Public admin, education and health	28.0	89.1	287	59.4	278
Other services	19.2	96.2	57	54.7	56
Size of workplace (no. of employees) (%)					
Under 15	19.7	84.8	155	48.0	146
15-49	22.4	87.1	180	43.3	176
50-199	19.1	90.7	190	61.9	187
200-499	21.9	94.6	108	66.1	107
500-1999	40.6	92.5	99	49.1	98
2000+	19.2	90.4	82	52.9	78
Employment status (%)					
Permanent	24.3	90.1	798	53.5	777
Temporary	23.3	88.2	11	50.0	87
Working time (%)					
Under 16 hours p.w.	14.3	73.8	60	46.3	58
16-34 hours p.w.	23.8	85.2	157	38.5	152
35 + hours p.w.	25.0	91.2	683	55.2	664
Union membership					
Member	29.7	95.4	303	58.1	297
Non-member	21.1	86.8	577	49.6	558

Note: all percentages are row percentages.

From Table 9.11 above, looking at employment characteristics, we can see that:

- there are no strong or consistent patterns by occupation, sector or workplace size in the responses to the substantive knowledge questions on unfair dismissal
- full-time employees, permanent staff and union members are all more likely to record correct answers to the substantive knowledge questions than are part-timers, temporary staff and non-unionised workers respectively.

As far as the relationship between experience of employment problems relating to dismissal and substantive knowledge of the unfair dismissal and related provisions, once again the conclusions are limited by the relatively small number of respondents with such experience (Table 9.12). The table does, however, show that while those with experience of problems of this type are, in all three cases much more likely to answer the substantive knowledge questions correctly.

Table 9.12: Knowledge of unfair dismissal rights by experience of problem in this area

	Substantive knowledge				
	Tribunal application time limit	Discipline and grievance right to representation		Discipline and grievance who can represent (all 4 options selected)	
Employment characteristics	Correct	Correct	Unweighted base	Correct	Unweighted base
Experience of problem in this area of law (%)	41.7	95.8	23	60.9	23
Experience of problem but not in this area of law (%)	25.9	89.2	120	42.9	119
No experience of problem (%)	23.2	89.2	757	54.0	732

Note: all percentages are row percentages.

9.4 Perception of entitlements (scenarios)

The three scenarios used to explore respondents' perceptions of the unlawfulness of hypothetical situations in the area of unfair dismissal were as follows:

Unfair dismissal on grounds of sexual orientation

Someone you know started work for a company just over a year ago. He has received lots of praise from his manager and colleagues about the standard of his work and he thinks the job is going really well. The manager discovers that he is gay and soon afterwards the man is dismissed on the grounds that it is 'not working out' and that he 'would be happier working elsewhere'.

Unfair dismissal on grounds of age

You are friends with a woman who recently started work for a new manager within the company in which she has worked for the last twelve months. She looks much younger than she actually is. She received a lot of initial praise about the standard of her work from the new manager and thinks the job is going well. Her new manager discovers her age when he consults her personnel records and soon afterwards she is dismissed from the company on the grounds that 'the new position is not working out'.

Unfair dismissal in relation to sickness

Your friend has very bad asthma. During the summer, she is forced to take a lot of days off sick. The employer feels that this is unacceptable and threatens to dismiss her.

9.4.1 Extent to which respondents identified scenarios as unlawful

Table 9.13 shows that while the majority of respondents identified each of the three dismissal scenarios as unlawful, there were significant differences in the proportions who did so. Thus, the largest proportion answering correctly in this sense was found in the case of unfair dismissal relating to sexual orientation (over 90 per cent); this fell to just over 80 per cent in the case of the age-related unfair dismissal; and uncertainty was greatest among respondents in the case of the sickness-related case, fewer than 70 per cent of whom were convinced that this dismissal was unfair and therefore unlawful.

Table 1 : Perception of entitlement re: unfair dismissal right

Perception of entitlement	Scenario concerned		
	Unfair dismissal on grounds of sexual orientation (%)	Unfair dismissal on grounds of age (%)	Unfair dismissal in relation to sickness (%)
Identified as unlawful	92.4	82.9	69.4
Unable to identify as unlawful	7.6	17.1	30.6
Unweighted base (n = 100%)	208	199	193

9.4.2 Perception of entitlement by self assessed awareness/knowledge

There is no general evidence that those who assess themselves as well-informed and knowledgeable about employment rights across the board are more likely than others correctly to identify infringements of unfair dismissal provisions (Table 9.14). The main exception here relates to the sickness-related unfair dismissal scenario (which as we saw above was less likely to be

Table 9.14: Perception of entitlement re: unfair dismissal rights by self assessed awareness/knowledge

Self assessed awareness/knowledge	Scenario concerned: Unfair dismissal on grounds of sexual orientation		Unfair dismissal on grounds of age		Unfair dismissal in relation to sickness	
	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base
Well informed and knowledgeable (%)	94.3	28	89.3	39	87.1	36
Well informed but could know more (%)	89.7	110	80.0	94	66.0	95
Not well informed and could know more (%)	98.1	62	83.8	58	66.7	61
Not well informed and not interested (%)	87.5	8	88.9	8	*	1

Note: all percentages are row percentages.
**= fewer than five respondents in cell.*

identified as unlawful than the other two examples), where it does appear that those who assess themselves as well-informed and knowledgeable are more likely than others to recognise the infringement.

9.4.3 Perception of entitlement by individual characteristics

Turning to personal characteristics (Table 9.15), it is notable that women are significantly more likely than men, in all three cases, to identify the scenario situation as unlawful. There are, however, no clear or consistent patterns across the scenarios by age or educational level, although it is of interest to note that the perception of the scenario relating to sickness as unlawful tends to decline with increasing age.[1]

[1] There were too few non-white respondents to these questions to justify a breakdown by ethnic origin.

Table 9.15: Perception of entitlement of unfair dismissal rights by personal characteristics

Personal characteristic	Scenario concerned					
	Unfair dismissal on grounds of sexual orientation		Unfair dismissal on grounds of age		Unfair dismissal in relation to sickness	
	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base
Gender (%)						
Male	88.7	97	78.8	92	56.6	90
Female	96.7	111	89.3	107	85.4	103
Age (%)						
16-25	85.2	25	91.7	26	87.1	29
26-35	96.8	56	82.5	58	75.4	54
36-45	84.1	70	76.8	56	68.8	48
46-55	86.5	38	90.9	43	60.5	44
56-64	100	19	80.0	16	44.4	16
Highest qualification (%)						
No qualifications	95.5	25	92.9	26	79.2	38
NVQ 1	100	28	60.0	18	52.9	15
NVQ 2	94.0	40	89.3	44	69.4	48
NVQ 3	97.4	36	82.8	41	60.0	28
NVQ 4	81.7	59	77.8	58	73.2	49
NVQ 5	100	20	90.9	11	84.6	13

Note: all percentages are row percentages.

Table 9.16 shows that there are no clear and consistent variations by employment characteristics, in responses to the scenario questions on unfair dismissal. For each of the characteristics considered, there are different patterns in the scenario responses and no clear interpretation emerges (*eg* permanent staff are more likely to identify two of the scenarios as unlawful, and temporary staff the third; a similar pattern is found between union members and non-members etc).

Table 9.16: Perception of entitlement of unfair dismissal rights by employer characteristics

Personal characteristic	Scenario concerned: Unfair dismissal on grounds of sexual orientation		Unfair dismissal on grounds of age		Unfair dismissal in relation to sickness	
	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base
Occupation (%)						
Managerial/admin	77.8	29	88.5	37	64.1	31
Professional/technical	100	45	90.5	37	69.6	35
Assoc. professional/technical	100	18	80.0	16	84.0	23
Clerical/secretarial	90.9	42	93.3	35	77.1	26
Craft/skilled manual	91.7	22	70.0	19	80.0	12
Personal/protective services	100	12	80.0	13	75.0	18
Sales	100	9	100	14	64.3	13
Plant/machine operatives	84.2	8	42.9	5	43.8	7
Other unskilled	90.0	17	78.6	19	64.3	26
Sector (%)						
Primary & extractive	*	3	*	5	*	3
Manufacturing, utilities & construction	91.5	49	77.8	38	62.1	44
Distribution, catering, transport *etc.*	87.8	39	84.7	55	78.6	14
Business and financial services	100	18	90.9	16	66.7	16
Public admin, education and health	96.1	71	75.0	57	77.5	57
Other services	83.3	8	92.3	16	66.7	13
Size of workplace (employees) (%)						
Under 15	84.2	23	93.9	40	61.5	37
15-49	93.1	39	80.0	31	66.7	43
50-199	95.8	49	82.8	41	77.1	33
200-499	100	30	80.0	26	78.9	20
500-1999	82.1	24	82.6	29	83.3	15
2000+	100	17	78.6	16	82.4	17
Employment status (%)						
Permanent	92.7	178	84.6	172	69.4	168
Temporary	90.0	24	74.1	24	72.4	23
Working time (%)						
Under 16 hours p.w.	100	15	77.8	14	75.0	15
16-34 hours p.w.	82.1	35	87.5	28	78.3	33
35 + hours p.w.	93.7	158	82.3	157	67.9	145
Union membership (%)						
Member	95.2	77	80.8	68	76.6	55
Non- member	90.2	124	88.0	125	67.3	133

Note: all percentages are row percentages.
** = fewer than five respondents in cell.*

9.5 How far are perceptions based on knowledge?

In this section, once again, we move on to look at the extent to which responses to the scenario questions on unfair dismissal, which identified a presumed breach of legislation, were based on some knowledge of the relevant legal provisions (rather than 'common sense' or some intuitive interpretation of fairness or natural justice *etc.*).

There was considerable variation between the three scenarios, according to whether those assessing the scenario as unlawful were able to give a reason for their assessment based on some understanding of the coverage of unfair dismissal legislation.

Thus only in the case of the scenario relating to someone being dismissed because of their sickness record, did more than half of those identifying it as unlawful give a reason which suggested some knowledge that this reason for dismissal would count as unfair under the legislation. In the case of the scenario related to a dismissal on the grounds of age, only 44 per cent of those who thought it was unlawful exhibited any underlying knowledge of the (unfair dismissal) legislation, and only one in six of those identifying the scenario concerned with sexual orientation as unlawful exhibited such knowledge in their response to the question. It is clear that, in the cases based on age and sexual orientation, although the scenarios are related to unfair dismissal legislation (and to potential breaches of provisions relating to length of service, lack of substantial reason for dismissal *etc.*), many respondents understandably interpreted these situations as discrimination cases. Some respondents, indeed justified their view that the situations were unlawful in terms of anti-discrimination legislation which they presumed (incorrectly) to exist – there are currently no anti-discrimination provisions which specifically related to age or sexual orientation.

Table 9.17: Whether perception of entitlement for unfair dismissal legislation is based on knowledge

	Scenario		
Whether perception of entitlement is based on knowledge	**Unfair dismissal on grounds of sexual orientation (%)**	**Unfair dismissal on grounds of age (%)**	**Unfair dismissal in relation to sickness (%)**
Named relevant area of law	16.3	44.0	57.6
Named other area of law/don't know	83.7	56.0	42.4
Unweighted base (n=100%)	193	171	138

Table 9.18 shows that in the case of the sexual orientation scenario and (to a lesser extent) in the other two scenarios there is some relationship in the expected direction between respondents' self-

assessment of their general level of knowledge and awareness of employment rights and whether they show knowledge of unfair dismissal legislation in explaining why they regard the scenario situation as unlawful.

Table 9.18: Knowledgeable perception of unfair dismissal legislation, by self-assessed awareness/knowledge

	Knowledgeable perception of entitlement (*ie* respondent named relevant area of law)								
	Unfair dismissal on grounds of sexual orientation			Unfair dismissal on grounds of age			Unfair dismissal in relation to sickness		
Self-assessed awareness/ knowledge	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base
Well informed and knowledgeable (%)	24.2	22.9	25	48.0	42.9	35	66.7	30	58.1
Well informed but could know more (%)	16.3	14.7	102	50.0	40.0	82	51.6	67	34.0
Not well informed and could know more (%)	13.5	13.2	59	36.8	30.9	47	61.2	41	40.5
Not well informed and not interested (%)	*	*	7	*	*	7	*	0	*

Note: all percentages are row percentages.
** = fewer than five respondents in cell.*

There is, as Table 9.19 shows, there is no consistent pattern by any of the three personal characteristics analysed (gender, age and disability) in whether or not, having identified the unfair dismissal scenario as an infringement, respondents are able to explain their judgement using knowledge about the law in question.

Table 9.19: Knowledgeable perception of unfair dismissal legislation, by individual characteristics

	Knowledgeable perception of entitlement (*ie* respondent named relevant area of law)								
	Unfair dismissal on grounds of sexual orientation			Unfair dismissal on grounds of age			Unfair dismissal in relation to sickness		
Characteristic	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base
Gender (%)									
Male	17.3	15.3	87	40.7	32.0	76	58.5	33.3	53
Female	14.9	14.4	106	47.8	42.7	95	56.6	48.3	85
Age (%)									
16-25	*	*	23	47.6	43.5	23	55.6	48.4	23
26-35	25.0	24.2	53	63.8	52.6	48	52.2	39.3	41
36-45	12.3	11.6	65	23.3	17.9	47	51.5	35.4	35
46-55	15.6	13.5	35	40.0	36.4	39	66.7	40.9	29
56-64	*	*	17	50.0	40.0	14	75.0	33.3	9
Disability or health problem? (%)									
Yes	*	*	17	44.8	40.6	16	50.0	29.8	17
No	18.6	16.9	175	43.8	35.6	135	59.3	42.7	121

Note: all percentages are row percentages.
**= fewer than five respondents in cell.*

9.6 Taking action

From Table 9.20, it can be seen that respondents who believe the situation in question is unlawful are equally likely in each of the scenarios to take action (such as seeking advice from an independent source, or discussing the matter with the employer) when faced with a situation similar to that in the scenario. In each case, the vast majority (93 per cent) would take action.

Table 9.20: Whether individuals would take action if scenarios related to unfair dismissal rights happened to them

	Scenario		
Whether individual would take action in that situation	Unfair dismissal on grounds of sexual orientation (%)	Unfair dismissal on grounds of age(%)	Unfair dismissal in relation to sickness (%)
Yes, would take action	92.7	93.0	93.2
No, would not take action	7.3	7.0	6.8
Unweighted base	164	116	121

Table 9.21 looks at how respondents' propensities to take action in each of the three scenarios of unfair dismissal varies with three personal characteristics (gender, age and disability), each of which has some relevance to one of the scenarios.

Looking first at gender, in all three of the examples, men would be more likely to take action than women (in the case of unfair dismissal related to sickness, substantially so).

Although caution should be exercised because of the small numbers of disabled respondents involved, it is striking that the proportion who would take action is lower than non-disabled people in the sickness and age example (and in the case of the former, the difference is considerable).

The results for the age variable are somewhat mixed. The propensity to take action in the case of unfair dismissal on grounds of sexual orientation declines significantly with age (perhaps reflecting inter-generational differences in attitudes to homosexuality). In the case of unfair dismissal linked to sickness, however, the pattern is reversed, the proportion of older people who would take action is greater. In the case of unfair dismissal due to age, however (perhaps surprisingly) there is no clear relationship between respondents' ages and their propensity to take action.

Table 9.21: Propensity to take action in unfair dismissal scenarios by individual characteristics

	Scenario					
Individual characteristic	**Unfair dismissal on grounds of sexual orientation**		**Unfair dismissal on grounds of age**		**Unfair dismissal in relation to sickness**	
	% would take action	**Unweighted base**	**% would take action**	**Unweighted base**	**% would take action**	**Unweighted base**
Gender (%)						
Male	93.6	87	95.1	76	98.4	53
Female	90.9	106	91.0	95	89.5	85
Disability? (%)						
Yes	100.0	17	85.7	16	78.6	17
No	91.3	175	95.0	155	96.5	121
Age (%)						
16-25	100	23	95.2	23	88.9	23
26-35	96.6	53	97.9	48	93.5	41
36-45	90.6	65	93.0	47	90.9	35
46-55	90.6	35	83.3	39	100.0	29
56-64	83.3	17	87.5	14	100.0	9

Note: all percentages are row percentages.

10. Experience of Problems at Work, Responses and Actions

Key findings

Experience of employment problems in practice

Sixteen per cent of respondents reported experiencing problems at work in relation to their employment rights in the previous five years (nearly two thirds of this group had experienced only one such problem).

The commonest types of problem concerned issues of pay and written particulars of employment, followed by discrimination and working time issues.

Key features of the personal and employment characteristics of those who experienced problems are as follows:

- Non-white respondents are nearly twice as likely to report problems as their white counterparts.
- The incidence of problems decreases strongly with age.
- The highest incidence of problems is in intermediate occupations (and in jobs with a pay range of £5-7 per hour), and in the business and financial services sector.
- Temporary employees and full-time employees are more likely to report problems than permanent or part-time staff.
- Respondents with a written statement of terms and conditions are much less likely to report having experienced employment problems.

Those who had experienced employment problems were asked a further set of questions about their responses to those problems. The findings from these questions, summarised below, should be interpreted with caution, based as they are on the responses of a relatively small number of respondents experiencing problems.

Over half of those who had experienced employment problems had sought help or advice in connection with their problem. Faced with an employment problem:

- women were much more likely to seek advice than men
- those in the 46-55 age group were most likely to seek advice

- temporary employees were more likely than permanent employees to seek advice
- a higher proportion of union members than non-members sought advice
- respondents in the highest pay bracket (£10.97 per hour and more) were most likely to seek advice.

Where sought, advice tended to be sought quickly (three quarters sought advice within a week of the problem arising).

The commonest sources of advice, in order, were Citizens Advice Bureaux (CABx), personnel/HR managers and trade union representatives. Official sources were rarely used (the commonest being ACAS). The main reason for choosing particular sources related to their presumed specialist knowledge.

Those seeking advice were mainly motivated (in equal proportions) by a wish to obtain advice on their legal rights, and a wish to secure practical suggestions for solving the problem in question.

In a third of cases where advice was sought, the advice suggested that the respondent's treatment may have been unlawful, and in two thirds of the latter cases, the respondent took the matter further.

The majority of those who went for advice, support *etc.* (80 per cent) took the matter up with their employer (most of these did not contact the employer initially for advice, but did raise it with them at some stage). About half of this group made use of the employer's grievance procedure. Two thirds of those taking the matter up with their employer made contact with a senior manager (rather than their line manger or personnel department).

Around two in five of those experiencing employment problems decided (whether or not they took advice) to take steps to remedy the situation. The bulk of such further action consisted of discussions with managers or other employer representatives.

Among those who had taken some action to remedy the problem, the commonest outcome (in 44 per cent of cases) was that they left the organisation (half of these quits were voluntary, and half involuntary). Under half of those who took steps to remedy the situation said that they would take the same action again. Among those who would take different steps in future, the commonest response was that they would take expert advice (from a legal adviser or trade union).

Those who did not take steps to remedy the situation, when faced with an employment problem gave two main reasons for this: a wish to avoid the inconvenience of taking action, and a belief that taking action would not solve the problem.

Propensity to take action in a hypothetical situation

Respondents were also asked about what they would do in certain (hypothetical) situations. It needs to be borne in mind, in interpreting these findings: first that respondents describing their responses to hypothetical situations may give what they see as the 'expected' answer; and second that respondents' reported attitudes may not be

good predictors of their behaviour if such a circumstance actually occurred.

All respondents were asked what they would do if they faced a situation where their rights at work were infringed. The vast majority would take some action (only two per cent would do nothing). Two thirds would take advice, and over a quarter would talk directly to the employer (and nearly all of these would take further advice if the response from the employer was unsatisfactory).

Advice sources chosen were similar to those used in actual cases of employment problems (and were dominated by CABx, trade unions and solicitors), and the key expectations of such advice were that it would provide information about legal rights and/or practical guidance on solving the problem.

Nearly all those who would take advice, would take further action if their advisers recommended it.

Overall, faced with a hypothetical infringement of their employment rights, over half were confident or very confident of receiving justice through the system. Only 15 per cent were not confident of receiving justice. Further breakdown of these data showed that:

- Men are more confident of justice than women.
- Those with caring responsibilities exhibit higher than average levels of confidence in receiving justice.
- Those in higher level and non manual occupations are most confident of receiving justice through the system.
- Permanent and full-time staff have greater confidence than temps or part-timers.
- Union members and those with written statements of terms and conditions are more confident of justice than non-members and those without such statements, and
- Those with practical experience of employment problems are slightly more confident of receiving justice than those without.

10.1 Introduction

In this chapter, the experiences of individuals who described themselves as having encountered a problem or difficulty at work in the last five years are discussed. Respondents were asked:

> *'Have you personally experienced any problems at work over the last 5 years in relation to your rights at work? Please include any situation that was important to you, however minor the problems may seem.'*

One hundred and sixty four individuals (16.2 per cent of the weighted sample) reported having experienced one or more problems in this time period. Of these individuals, 23 had experienced a problem with Health and Safety at work, a part of employment law that lay outside the scope of this study. These individuals were therefore filtered out of subsequent questions about the nature of their problem, as were seven individuals

whose problem(s) occurred more than five years prior to the survey. However, for the remaining 134 individuals whose problem lay in other areas of employment law, data were collected about:

- the nature of their problem
- what steps they took, if any, to resolve the situation, and
- the outcome of this action.

A key interest of this part of the study was to identify how people act in such situations, whether they pursue the matter, and whether, where and how they seek, advice and support *etc*. From the outset of the research it was anticipated (correctly) that only a minority of respondents would have recent experience of problems of this nature at work. In order, therefore, to supplement the information about what respondents did in practice when faced with an employment problem, the survey also attempted to gather information about what respondents *would do* in (hypothetical) situations where they were faced with a violation of their employment rights, whether and how they would seek advice or support, and what outcomes they might anticipate.

10.2 The nature of problems at work

As Table 10.1 shows, among those people who had experienced a problem during the past five years, nearly two thirds had experienced only one such problem.

Table 10.1: Experience of problems at work in the last five years

Experience of problems	%
Not experienced a problem in last five years	83.6
Experienced a problem more than five years ago	0.7
Experienced one problem in last five years	9.7
Experienced more than one problem in last five years (but incidents related)	1.8
Experienced more than one problem in last five years (unrelated incidents)	4.1
Don't know	0.2
Unweighted base (n = 100%)	1000

The commonest types of problem experienced related to issues of pay and written particulars of employment, followed by discrimination and working time issues. Unfair dismissal and health and safety issues were also mentioned by a significant minority of those who had experienced problems (Table 10.2). It is difficult to make a direct comparison with the findings of Genn

(1999) reported in Figure 1.3 (Chapter 1), given the different emphasis of the two studies and the different survey populations. First, it is to be expected, given our focus on people in (or recently in) employment and our coverage only of employment problems (rather than any justiciable problems, as in the case of Genn), that our study would record a higher incidence of employment problems overall. Second, the greater detail of our study, and the different categories of employment jurisdictions used to code the type of employment problem make comparisons difficult[1]. The main difference is that Genn found 'losing a job' to be the most common kind of employment problem, whereas in our study 'dismissal' issues were fourth on the list after pay and conditions, discrimination and working time issues. It is likely that many of the types of problems identified by Genn as 'change[s] to terms and conditions of employment' (her second commonest problem type) will be covered by our 'pay and written particulars' category. It is also notable that 'discrimination' was not a separate category in the Genn study, and it is possible that many of the problems identified under discrimination in our survey would have been categorised elsewhere in the Genn study *eg* under 'losing a job' or 'harassment' (which accounted for a higher proportion of problems in the Genn study than the current survey).

Table 10.2: Type of problem experienced

Type of problem experienced	% of those experiencing problems
Pay and written particulars	27.6
Discrimination	18.8
Working time	18.2
Unfair dismissal	15.6
Health and safety	15.4
Unfair or unacceptable management	3.1
Family or dependant issues	2.9
Bullying/harassment	2.8
Don't know/refused/no answer	1.0
Other	1.8
Unweighted base (n = 100%)	164

Note: percentages add up to more than 100% as individuals were able to name more than one area of the law with which they had experienced problems.

[1] In particular, our research instrument allowed the respondent to describe the problem in question, and it was then coded by a researcher. In Genn's study the respondent was shown a list of seven precoded categories to choose from.

Table 10.3 looks at the reported experience of employment problems by a range of personal characteristics. The following points stand out:

- non-white respondents are nearly twice as likely to report employment problems as their white counterparts
- the reported incidence of employment problems decreases strongly with age.

There is by comparison, however, little difference in the experience of employment problems by gender, parental or caring responsibilities or disability (disabled people are, if anything, slightly less likely than non-disabled people to report such experience). There is also no clear relationship between educational levels, and the experience of employment problems.

Turning to the types and characteristics of the jobs of those who have experienced employment problems in the last five years (Table 10.4), some clear patterns do emerge, however:

- The highest incidence of problems is reported in what might be described as 'middle level' occupations, *ie* non-managerial and professional white collar occupations (technical, clerical *etc.*) as well as skilled manual and personal service occupations.
- Sectorally, the highest incidence of employment problems is found in business and financial services, followed by manufacturing and construction on the one hand and distribution, catering and related sectors on the other.
- There is no strong pattern by establishment size, although some tendency for a lower incidence of such problems in larger establishments is observable (perhaps because larger establishments are more likely to have a personnel function and/or union representation on site).
- Temporary staff are much more likely to report such problems than their permanent colleagues.
- And full-timers report employment problems more frequently than part-timers.
- Union members are slightly less likely to experience employment problems than non-members.
- Consistent with the occupational pattern observed above, it is respondents with intermediate levels of hourly pay (in the £5-7 per hour category) who are most likely to record experience of employment problems (and the lowest incidence is found among the most highly paid respondents).
- Finally, it is interesting to note that respondents who work in a job in which they have been given a written statement of terms and conditions are much less likely to have experienced employment problems than those without.

Table 10.3: Experience of problems by personal characteristics

Personal characteristics		Experience of problem: Had experience	Experience of problem: Unweighted base (n = 100%)
Gender (%)			
	Male	15.7	444
	Female	16.8	556
Ethnic origin (%)			
	White	15.6	949
	Non-white	27.8	45
Age (%)			
	16-25	22.7	139
	26-35	17.9	273
	36-45	16.7	276
	46-55	12.6	228
	56-64	6.8	81
Highest qualification (%)			
	No qualifications	13.3	150
	NVQ 1	15.9	96
	NVQ 2	13.6	221
	NVQ 3	20.3	173
	NVQ 4	18.1	283
	NVQ 5	18.8	66
Parent or not (%)			
	Yes	14.5	620
	No	17.2	380
Caring responsibilities (%)			
	Yes	15.7	84
	No	16.2	916
Disabled (%)			
	Yes	14.7	99
	No	16.6	898

Note:all percentages are row percentages.

Table 10.4: Experience of problems by employer characteristics

	Experience of problem	
Employment characteristics	**Had experience**	**Unweighted Base (n = 100%)**
Occupation (%)		
Managerial/admin	13.5	183
Professional/technical	12.9	196
Assoc. professional/technical	23.2	96
Clerical/secretarial	23.4	158
Craft/skilled manual	16.7	84
Personal/protective services	18.9	71
Sales	11.8	69
Plant/machine operatives	11.7	28
Other unskilled	14.3	101
Sector (%)		
Primary & extractive	*	21
Manufacturing, utilities & construction	16.7	198
Distribution, catering, transport etc.	16.0	234
Business and financial services	19.1	99
Public admin, education and health	14.0	313
Other services	10.0	68
Size of workplace (employees) (%)		
Under 15	15.8	173
15-49	17.7	198
50-199	13.5	211
200-499	12.5	123
500-1999	13.6	105
2000+	14.6	91
Employment status (%)		
Permanent	15.3	885
Temporary	23.3	102
Working time (%)		
Under 16 hours p.w.	9.3	75
16-34 hours p.w.	16.4	174
35 + hours p.w.	16.7	751
Union membership (%)		
Member	14.1	333
Non-member	16.6	642
Hourly rate of pay (%)		
Less than £5.00 an hour	16.3	188
£5.00 to £7.40	22.9	173
£7.40 to £10.96	14.5	171
£10.97 and more	10.4	171
Have statement of terms and conditions? (%)		
Yes	14.7	820
No	21.4	155

**= fewer than five respondents in cell.*

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Respondents with experience of an employment problem were asked when the incident/problem/dispute in question began, and how long it lasted until it was resolved or otherwise concluded. The results are summarised in Table 10.5. A third of these respondents reported that the problem was still ongoing, and of those whose problem had ended, around half said that it had lasted between a week and three months.

Table 10.5: Duration of problem(s)

Length problem lasted	% of those experiencing a problem
One off incident	9.9
Less than a week	1.4
Between a week and a month	14.9
1 to 3 months	16.9
4 to 6 months	9.5
7 to 12 months	3.9
Over a year	5.2
Ongoing/unresolved	35.2
Don't know	3.0
Unweighted base (n = 100%)	134*

* *Note in this and subsequent tables in this chapter, respondents who had experienced only employment problems related to health and safety issues have been excluded from the analysis, as have those with employment problems which occurred more than five years prior to the survey (given the many recent legislative changes, the main interest was in those people with recent employment problems).*

10.3 Experience of problems, self-assessed awareness/knowledge and informed awareness

The relationship between respondents' experiences of employment problems and their own assessments of their levels of awareness and knowledge about employment rights in general was discussed in Chapter 3 above, and without repeating that analysis here it is worth noting that the data suggested that:

- Experience of employment problems did appear to be associated with an enhanced awareness (on one measure) of informed awareness of employment rights.
- It was, however, also associated with *lower* levels of self-assessed awareness/knowledge of employment rights. This suggests that while this kind of experience may increase awareness, it may also lead to a greater degree of modesty or realism among respondents in terms of their perceptions of their own levels of awareness/knowledge.

10.4 Responses to problems

In this section we provide more details relating to the responses and behaviour of those who reported employment problems. As this is a small sub-sample of the overall sample, caution needs to be exercised in drawing conclusions. In particular (depending on the number of respondents in the table in question), differences between categories of only a few percentage points are likely to fall within the bounds of sampling error and are not statistically significant. Our commentary on the tables focuses on those results which are statistically significant.

10.4.1 Seeking advice

Respondents who had experienced employment problems were asked whether they had sought any help or advice in connection with their problem, and just over half of this group said that they had (Table 10.6).

Table 1 : Whether advice was sough

	% of those experiencing a problem
Sought advice	56.1
Did not seek advice	41.6
Don't know/refused/no answer	2.3
Unweighted base (n= 100%)	134

Although small cell sizes constrain the extent to which the proportion seeking advice can be broken down, and dictate caution in drawing strong conclusions, Table 10.7 suggests that:

- faced with an employment problem, women were substantially more likely to seek advice than men
- there was no clear age pattern, but those in the 46-55 age group were most likely to seek advice
- temporary employees were more likely than permanent staff to seek advice
- union members were more likely than non-members to seek advice
- the most well paid individuals were most likely to seek advice.

Table 1 : Whether advice was sought by individual characteristic

Individual characteristics		Advice sought	Unweighted base (n = 100%)
Gender (%)			
	Male	43.3	56
	Female	69.8	78
Age (%)			
	16-25	60.7	25
	26-35	50.0	35
	36-45	43.2	36
	46-55	80.8	31
	56-64	*	7
Employment status (%)			
	Permanent	53.9	115
	Temporary	64.3	19
Union membership (%)			
	Member	67.7	36
	Non- member	53.8	94
Hourly rate of pay (%)			
	Less than £5.00 an hour	68.0	25
	£5.00 to £7.40	51.4	37
	£7.40 to £10.96	56.0	24
	£10.97 and more	84.6	16

For those individuals who did seek advice (77 in total, unweighted), further details of the advice-seeking process are presented in this section.

The evidence suggested that those who sought advice tended to do so quickly (Table 10.8) — nearly a half did so immediately, and three quarters did so within a week.

Table 1 : How soon after the incident was advi e sough

	% of those seeking advice
Straightaway	48.1
Less than a week after the incident (or start)	25.2
Within one month of the incident (or start)	10.9
2-3 months later	6.3
4-6 months later	5.8
7-12 months later	2.3
Over one year later	1.4
Unweighted base (n = 100%)	77

Table 10.9 shows where those who sought advice went for such advice. The commonest source was external to the organisation (Citizens' Advice Bureaux), but this was closely followed by two internal sources – personnel/HR managers, and trade union representatives) – with the former slightly more common than the latter. Official sources were relatively rarely used (the commonest being ACAS). It should be noted that respondents were asked to cite up to two sources of advice used, and given the relatively small sample numbers, these two items of information have been combined in the table. If the source of advice *first* sought is taken alone, the most common source becomes the personnel/HR officer/manager at work, and Citizens' Advice Bureaux (the commonest second source of advice) drop to third place. The data suggest, therefore, that respondents tend to seek internal advice first, and then look outside.

Table 10.9: Sources of advice used

	% of those seeking advice
Citizens Advice Bureau	31.9
Personnel/HR officer/manager at work	29.6
Trade union	24.4
Solicitor or other legal representation	21.4
Friend or relative with specialist knowledge	9.9
ACAS	7.4
DHSS	1.7
Jobcentre	1.4
Employment tribunal service	1.0
Department of Trade and Industry	1.1
Specialist advice centre	1.0
Other source	0.7
NMW helpline	0.5
Unweighted base (n = 100%)	77

Note: respondents could cite more than one source, so totals exceed 100%.

Those who sought advice were then asked what made them think of contacting the source they *first contacted*. As Table 10.10 shows, the key reason related to the presumed specialist knowledge of the source contacted.

Table 1 1 : What made them think of contacting adviser

Reason for contacting first adviser	% of those seeking advice
They were a friend/relative/colleague with specialist knowledge	27.1
They were a friend/relative/colleague with similar problem/experience	12.6
They were suggested by a friend/relative/work	13.0
Saw or heard advertisement	19.3
I needed help/advice	4.5
I was a [union/staff association] member	4.4
My job was at stake	1.7
Don't know/no answer/refused	1.7
Other	17.7
Unweighted base (n = 100%)	77

This group of respondents was also asked what they were looking for in terms of information/advice when they contacted the first source of advice (Table 10.11). Unsurprisingly, the most common objectives were to obtain help on how to solve the problem, and also to seek information about their legal rights (both of these were cited by around half of those who sought advice).

Table 1 1 : What kind of information/advice was sought

Information/advice sought	% of those seeking advice
Information/advice about ways to solve the problem	47.8
Information/advice about my legal rights	46.7
Information/advice about procedures/what to do next	21.6
Information/advice about who to contact/where to get help	16.4
Justice/redress	17.5
Other help or advice	8.9
Advocacy	2.7
Other	3.2
Unweighted base (n = 100%)	77

Those who sought advice were asked, finally, taking into account all the advice and information they received, what the outcome of this support had been. The replies are summarised in Table 10.12.

In just over a third of the cases (36 per cent) the advice sought suggested that the treatment of the respondent may have been unlawful, and in around two thirds of these latter cases, the respondent decided to take the matter further. In the rest of the cases the situation either resolved itself (around one in five), or there was another reason not to take action (the situation in

question was not covered by law, or the respondent did not wish to take it further *etc.*).

Table 1 1 : Outcome of advice (all source

	% of those seeking advice
Not covered by law so could not take any action	28.1
Confirmation of unlawful/unfair treatment and decided to take the matter further	25.1
Situation resolved itself	21.2
Could not take action for other reason (eg job was at stake, put up with it or leave)	14.5
Confirmation of unlawful/unfair treatment and decided not to take action	11.1
Unweighted base (n = 100%)	77

10.4.2 Other actions

Contact with employer

It was clearly of interest to establish whether those who experienced employment problems, took the issue up with their employer. This information was obtained in the survey in two ways. First, the question which asked about sources of advice used was able to establish whether a personnel or 'human resources' officer/manager at work was used as an initial advice/information source. Second, those who did not take this route were also asked whether they subsequently made contact with their employer about the problem.

From Table 10.13, which combines these two sources of information, it can be seen that the majority (80 per cent) of those who went for advice, support *etc.* in relation to their problem, did take the matter up with their employer at some stage.

Table 1 1 : Contact with employe

	% of those seeking advice
Personnel/HR officer/manager at work used as initial advice source	29.6
Raised issue with employer	51.4
Did not raise issue with employer	19.0
Unweighted base (n = 100%)	77

As can be seen from Table 10.13, around half of this group raised the issue with their employer subsequently (*ie* not through using a personnel manager *etc.* as an initial advice source). These

respondents (39 in total) were then asked whether they made use of an internal grievance procedure (and Table 10.14 shows that almost half of them did), and who exactly they spoke to when they raised the issue with their employer. With regard to this latter point, it is interesting to note that in most of these cases (two thirds), Table 10.15 shows that rather than approaching a line manager or the personnel department, these respondents went directly to a senior manager or director with their concerns.

Table 10.14: Whether used grievance procedure

	% of those raising issue with employer
Used grievance procedure	47.2
Did not use grievance procedure	52.8
Unweighted base (n = 100%)	77

Table 1 1 : Who spoken to at employe

	% of those raising issue with employer
Line manager/supervisor	12.6
Personnel Department	16.4
A senior manager/director	65.8
Other	5.2
Unweighted base (n = 100%)	77

Additional steps

Respondents who experienced problems but did not seek advice and those who sought advice from sources other than their personnel/HR office/manager, were asked whether they (or their representative) took any other steps to try and remedy the

Table 1 1 : Whether further action was take

	% of those experiencing problems but not seeking advice and those seeking advice from sources other than personnel
Yes, further action taken	41.7
No further action taken	58.3
Unweighted base (n = 100%)	108

situation[1]. Just over two in five of this group did take further steps (Table 10.16).

Those taking further action were asked what action was actually taken, and the verbatim responses have been coded into broad categories (Table 10.17). Given the small numbers involved it is difficult to draw strong conclusions, but it is clear that the bulk of further action consisted of further discussions with managers or other employer representatives about the issue in question.

Table 1 1 : Details of what other action was take

	% of those taking further action
Talked with the manager	19.6
Spoke to my employer	14.0
Sent letters	28.0
Tried to compromise/reach an agreement	6.3
Went to senior management/head office	8.4
Resigned	6.3
Got a new job/looking for a new job	8.8
Got no satisfaction from discussions with management	5.9
Other	31.0
No answer/didn't know	6.2
Unweighted base (n = 100%)	46

10.4.3 Outcomes

All those respondents who had experienced an eligible employment problem, and had engaged in certain activities as a result of their employment problem were asked:

> *'What did you do as a result of your dispute? [if dispute is ongoing, what has happened so far?]'.*

The following respondents were asked this question:

a) those who sought advice from their personnel/HR officer/manager at work,

b) those who sought advice from other sources and received confirmation of unfair/unlawful treatment and decided to take action,

[1] This question was not asked of those individuals who did not know/could not remember whether they had taken advice or not.

c) those who sought advice from other sources, decided not to/could not take action, but took some other steps to try and remedy the situation,

d) those who did not seek any advice but took some other steps.

Table 10.18 summarises the responses to this question. The commonest outcome (in 44 per cent of the cases) was that the individual left the organisation (roughly evenly split between voluntary and involuntary quits). In around 15 per cent of the cases, adjustments, changes or compromises were made by the employer. In only five per cent of these cases did a tribunal application result[1].

Table 1 1 : What was done (or is being done if dispute ongoing) as result of dispute/problem

	% of those taking the specified actions
I found another job/left the organisation	23.6
I lost my job, was made redundant, was dismissed	20.7
Employer agreed with my position and made the necessary adjustments	13.4
Did nothing/forgot about it/carried on as before	11.0
I am looking for another job in order to leave the organisation	6.2
Made a tribunal application	5.8
It's ongoing	4.5
I moved jobs within the firm/organisation	4.4
They made changes/compromised	2.1
I did what they wanted	1.6
Someone else resigned/was dismissed	0.6
Other	4.2
No answer	2.3
Unweighted base (n = 100%)	78

Finally, this same group of respondents was asked:

'If you were in the same position again, would you take the same steps?'

As Table 10.19 shows, there was no consensus on this issue – 44 per cent would take the same steps, 36 per cent would not, and 20 per cent were not sure.

[1] These cases represented seven individuals (unweighted), of whom two were successful at tribunal, and the remaining five had not been decided at the time of the research.

Table 1 1 : If in same position again, would you take the same steps

	% of those taking matter further
Yes	44.2
No	35.7
Don't know	20.1
Unweighted base	78

Those who would not take the same steps again (24 respondents in total, unweighted), were asked what, if anything they would do differently.

While it is difficult to draw conclusions from such a small group, it would seem (see Table 10.20) that the main alternative steps (accounting for just over half of this group) involved taking expert advice (either from a legal adviser or a trade union).

Table 10.20: What different steps would you take?

	% of those who would/might take different steps
Take legal advice	34.8
Go to the union	20.1
I know my rights now/would be more assertive/forceful	19.1
Would act sooner	18.8
Get the problem in writing/have it noted by personnel	12.1
I would seek advice from other organisations	3.7
Other	38.7
Nothing	7.1
Unweighted base (n = 100%)	24

10.4.4 No action taken

Those who took no action at all (neither seeking advice nor taking other steps) were asked why not.

Table 10.21: Reasons for not taking action

Reason	% of those experiencing problem and not seeking advice/taking action
Didn't think it was worth the hassle/aggravation	46.2
Didn't think it would solve the problem	43.4
Not confident that I would be treated fairly	20.8
The whole process would just take too long	10.8
No faith in the system	10.7
Afraid that it could affect my future employment prospects	9.6
Didn't know where to go/how to go about it	3.5
Worried about potential costs of legal or other representation	3.2
Worried about potential treatment by other colleagues	0.8
Other	69.7
Unweighted base (n = 100%)	38

Note: respondents could give more than one reason so percentages sum to more than 100%.

Again the very small numbers involved dictate caution in interpreting the results, but it would seem that in most cases, inaction reflected inertia or a feeling that it was not worth the effort, rather than concerns that the system would fail the person (10.21).

10.5 Propensity to take action in a hypothetical situation

In each of the earlier chapters relating to respondents' awareness and knowledge of specific areas of employment law (Chapters 4, 6,7,8 and 9), we have looked at respondents' stated propensities to take action if faced with a hypothetical scenario involving a violation of a specific employment right.

In addition, all respondents were asked a general set of questions about what they would do in an (unspecified) situation involving a potential violation of their employment rights. In this section we summarise the main findings from this set of questions.

Two general points need to be stressed in interpreting these findings. The first point is that responses to such questions may be biased (to an unknown degree) towards what the respondent envisages is the 'expected' or 'socially desirable' answer. Specifically, respondents are presented with a hypothetical problem and may like to present themselves as acting positively and responsibly. Thus the responses recorded may not fully reflect the beliefs and intentions of the respondent about their likely actions in a particular situation.

Secondly, however, even if the responses do accurately record such beliefs and intentions (*ie* there is no 'social desirability bias' or other source of bias), those beliefs and intentions may not be good predictors of what they would actually do in those circumstances. Actual behaviour may be heavily constrained by other factors (*eg* social norms, habit)[1].

First respondents were asked:

> *'Thinking more generally now, if you found yourself in a situation where your employer was acting unfairly or unlawfully over your rights at work, what would you do?'*

Table 1 2 : What action would be taken in unfair/unlawful situation at work

	%
Seek advice	63.3
Talk to employer direct	29.5
Ignore situation/do nothing	2.3
Leave the employer	3.2
Change job, but stay with same company	1.7
Unweighted base	1000

The most common response (from just under two thirds of respondents — Table 10.22) was that they would seek advice. A further 27 per cent said that they would discuss the matter directly with the employer.

Those who said that they would talk directly to the employer were then asked:

> *'If your employer was not able/prepared to help sort out the situation to your satisfaction, would you seek any further advice?'*

As Table 10.23 shows, the vast majority of respondents would extend their search for advice in these circumstances.

[1] For extended discussion of these issues and the extent to which attitudes and intentions can be used to predict behaviour, the reader is referred to Ajzen I and Fishbein M (1980), *Understanding Attitudes and Predicting Social Behaviour*, Prentice-Hall, Englewood Cliffs.

Table 1 2 : If employer was unable to resolve the situation, would further advice be sought

Seek further advice, if employer response unsatisfactory?	% of those whose action would be to talk to employer direct
Yes	95.2
No	4.8
Unweighted base (n = 100%)	269

It is clear, therefore, that virtually the entire sample said they would take action in the circumstances described, the only difference being between whether or not they would talk to their employer first[1]. There were too few cases of individuals who would *not* take action, to merit a detailed breakdown of propensity to take action *per se* by individual characteristics. For such a breakdown, the reader is referred to the analysis of propensities to take action in the context of specific scenarios of infringements of rights, which are to be found at the end of Chapters 4, 6, 7, 8 and 9 above.

All those who said they would seek advice, either initially (*ie* the majority shown in Table 10.22 above), or after initial (unsatisfactory) contact with their employer (Table 10.23) were asked what sources of advice they would contact.

Once again (see also Table 10.9 above) Citizens' Advice Bureaux top the list of advice sources (Table 10.24). The main difference (compared with the analysis of advice sources actually used by those experiencing a problem) is that employer representatives are further down the list in this case[2]. CABx are followed by trade unions and solicitors, and once again, official/public sources are some way down the list (with ACAS being the prime such source).

[1] Analysis of this latter distinction was undertaken by personal characteristics (not shown in the tables here), which revealed some tendency for certain groups to prefer to go straight to sources of advice other than the employer first. In particular, this was true of ethnic minority respondents, people in non-managerial and professional occupations, and trade union members.

[2] This partly reflects the question structure, *ie* those who initially chose the employer option, were asked here for their second advice source.

Table 10.24: Potential advice sources

	% of those who would seek advice
Citizens' Advice Bureau	54.2
Trade union	39.6
Solicitor	28.3
Personnel/HR officer/manager at work	15.3
Friend or relative with specialist knowledge	7.4
ACAS	6.2
ETS	3.9
Jobcentre	2.2
DTI	2.0
Other legal representation	1.0
EOC	0.7
DRC	0.7
Website	0.4
Other specialist advice centre	0.4
Telephone helpline	0.3
CRE	0.2
Don't know	7.0
Unweighted base (n = 100%)	933

Note: respondents could cite more than one source of advice, so percentages sum to more than 100%

And as with those who had actually experienced a problem (Table 10.11 above), when asked what they would hope to gain from the advice source in question, respondents' replies were dominated by the expectation of receiving legal advice on the one hand, and practical advice about how to tackle the problem on the other (Table 10.25).

This group were then asked, having sought further advice:

> *'If you were advised or decided that you would need to take the matter further, perhaps to a tribunal, would you be prepared to do so?'*

Table 10.25: What they would hope to gain from contact (potential sources)

Information/advice anticipated from potential sources	% of those who would seek advice
Information/advice about my legal rights	48.2
Information/advice about ways to solve the problem	34.6
Justice/redress	30.2
Information/advice about procedures/what to do next	25.8
Information/advice about who to contact/where to get help	16.9
Someone to represent me in tribunals	9.2
Advice about how much it might cost me	6.3
Other	6.0
Unweighted base (n = 100%)	933

Note: respondents could give more than one response, so percentages sum to more than 100%.

As Table 10.26 shows, the propensity to take action in such circumstances is very high – nearly all these respondents said that they would be prepared to take the matter further if so advised.

Table 10.26: Would they take action if advised to do so?

Take action if advised?	% of those who would seek advice
Yes	96.3
No	3.7
Unweighted base	933

Respondents who said that they would not take action, either initially (see responses in Table 10.22 above), or after receiving an unsatisfactory response from their employer (see Table 10.23), or after having been advised to take action (Table 10.26), were asked why they would not take action.

Table 10.27 shows that, as in the case of people who had had a real life employment problem and not taken action (Table 10.21), the most commonly cited reason was that respondents did not think that taking action 'would be worth the hassle or aggravation'. And, as before, the second most common reason related to lack of confidence that taking action would solve the problem – this scepticism was more extensive among those who had actually experienced employment problems (Table 10.21) than among all respondents when asked to imagine such a situation (Table 10.27).

Finally, all respondents, having been asked about their likely responses in a situation in which they believed their employment rights were violated, were asked how confident they felt that they would receive justice through the system.

Table 10.28: Reasons why respondent would not take action (potential situation)

Reason	% of those who would not take action
It wouldn't be worth the hassle/aggravation	45.3
Don't think it would solve the problem	13.9
I'd be afraid that it could affect my future employment prospects	12.5
Alienating other employees/management	10.9
I'd be afraid of losing my job	10.2
I would be worried about the potential costs of legal or other representation	7.6
No faith in the system	5.1
I'd be afraid of receiving a bad reference	4.6
Not confident that I would be treated fairly	3.8
I'm prepared to accept some degree of discrimination as the norm	2.8
I'd be worried about potential treatment by other colleagues	2.6
Other	10.8
Don't know	6.0
Unweighted base	110

Note: respondents could give more than one response, so percentages sum to more than 100%.

Over half were confident or very confident, a third were not sure and only around 15 per cent were not confident of receiving justice (Table 10.28).

Table 10.27: Confidence in obtaining justice through the system

	% (all respondents)
Very confident	10.7
Confident	41.5
Not sure	33.1
Not very confident	9.9
Not confident at all	4.7
Unweighted base (n = 100%)	1,000

Table 10.29 looks at confidence in receiving justice by respondents' personal characteristics, and shows:

- men are generally more confident than women
- similar proportions of white and non-white respondents report being either 'confident' or 'very confident' of obtaining justice, and non-white respondents are especially likely to report being 'very confident' (but small cell sizes among non-white respondents dictate caution in interpreting this finding)
- there is no strong age pattern, but generally speaking older respondents are slightly more confident of obtaining justice

- there is no clear pattern by educational level
- there is no clear pattern by parental status – parents are less likely than non-parents to report being 'confident' of obtaining justice, but more likely to report being 'very confident'
- those with caring responsibilities exhibit higher than average degrees of optimism about receiving justice through the system, and
- there is no difference between disabled and non-disabled people in their expectations of justice through the system.

Table 10.29: Confidence in obtaining justice by personal characteristics

Personal characteristics	Degree of confidence					Unweighted base
	Very confident	Confident	Not sure	Not very confident	Not confident at all	
Gender (%)						
Male	13.6	42.3	29.8	10.2	4.1	444
Female	6.9	40.5	37.4	9.5	5.7	556
Ethnic origin (%)						
White	10.2	42.2	33.3	9.8	4.5	949
Non-white	20.4	33.3	31.5	13.0	1.9	45
Age (%)						
16-25	9.2	31.2	45.4	5.0	9.2	139
26-35	10.8	39.2	37.1	9.0	4.0	273
36-45	9.3	41.3	36.4	10.0	3.0	276
46-55	12.6	54.3	18.4	10.8	4.0	228
56-64	13.7	34.2	24.7	20.5	6.8	81
Highest qualification (%)						
No qualifications	16.3	35.7	30.6	15.3	2.0	150
NVQ 1	11.4	43.2	28.4	13.6	3.4	96
NVQ 2	10.8	41.3	36.8	8.0	3.1	221
NVQ 3	7.8	45.1	32.7	7.2	7.2	173
NVQ 4	9.1	41.6	33.2	10.5	5.6	283
NVQ 5	14.5	39.1	27.5	10.1	8.7	66
Parent? (%)						
Yes	12.8	37.9	33.8	10.6	4.9	620
No	7.3	47.6	32.0	8.9	4.3	380
Caring responsibilities? (%)						
Yes	18.3	43.9	20.7	14.6	2.4	84
No	10.0	41.4	34.2	9.5	4.9	916
Disabled? (%)						
Yes	10.7	41.3	36.2	7.7	4.1	99
No	10.6	41.7	32.4	10.4	4.9	898

Note: all percentages are row percentages.

Table 10.30: Confidence in obtaining justice by employer characteristics

Employment characteristics	Degree of confidence: Very confident	Confident	Not sure	Not very confident	Not confident at all	Unweighted base
Occupation (%)						
Managerial/admin	12.2	40.7	31.4	10.5	5.2	183
Professional/technical	7.1	53.6	24.3	9.3	5.7	196
Assoc. professional/technical	14.3	40.8	36.7	3.1	5.1	96
Clerical/secretarial	13.9	32.1	32.1	11.7	10.2	158
Craft/skilled manual	8.8	34.2	43.9	9.6	3.5	84
Personal/protective services	9.9	49.5	24.2	12.1	4.4	71
Sales	8.3	38.1	46.4	6.0	1.2	69
Plant/machine operatives	*	40.8	32.9	*	*	28
Other unskilled	7.9	42.9	31.7	15.9	1.6	101
Sector (%)						
Primary & extractive	*	42.1	47.4	10.5	*	21
Manufacturing, utilities & construction	10.2	44.5	34.8	7.8	2.7	198
Distribution, catering, transport *etc.*	13.8	41.4	27.2	12.1	5.4	234
Business and financial services	7.5	43.0	41.9	7.5	0.0	99
Public admin, education and health	12.2	42.4	29.7	10.5	5.2	313
Other services	10.0	45.0	26.7	8.3	10.0	68
Size of workplace (employees) (%)						
Under 15	10.3	34.2	35.6	15.8	4.1	173
15-49	9.7	48.9	21.6	13.1	6.8	198
50-199	13.5	44.4	32.4	6.8	2.9	211
200-499	6.9	43.8	38.2	8.3	2.8	123
500-1999	7.2	53.2	29.7	6.3	3.6	105
2000+	18.1	37.3	30.1	7.2	7.2	91
Employment status (%)						
Permanent	11.2	44.0	31.0	9.7	4.1	885
Temporary	8.5	24.0	47.3	11.6	8.5	102
Working time (%)						
Under 16 hours p.w.	3.8	39.6	45.3	11.3	-	75
16-34 hours p.w.	9.0	49.6	29.3	9.0	3.0	174
35 + hours p.w.	11.5	40.4	32.8	10.0	5.2	751
Union membership (%)						
Member	12.4	50.0	24.8	9.2	3.6	333
Non-member	10.5	37.8	36.5	10.0	5.2	642
Hourly rate of pay (%)						
Less than £5.00 an hour	9.2	38.7	35.3	9.2	7.5	188
£5.00 to £7.40	13.9	44.8	28.5	9.1	3.6	173
£7.40 to £10.96	9.6	47.8	29.8	10.1	2.8	171
£10.97 and more	14.1	36.8	32.5	12.3	4.3	171
Statement of terms & conditions? (%)						
Yes	11.5	42.9	32.4	8.6	4.7	820
No	8.0	34.8	34.8	16.7	5.8	155

Note: all percentages are row percentages.

Table 10.30 repeats the analysis by employment characteristics, showing:

- Those in higher level and non-manual occupations have generally higher confidence in receiving justice than those in lower skilled and manual occupations.
- Permanent and full-time employees have more confidence in receiving justice than do temporary and part-time staff.
- Union members are more confident than non-union members.
- Those with written statements of terms and conditions are more confident than those without.
- There is no clear pattern by sector, size of workplace or hourly pay rate.

Lastly, there is no evidence that experience of employment problems damages people's faith in receiving justice through the system (Table 10.31). The proportion of those who have experienced such problems who are confident or very confident of receiving justice is virtually identical to the proportion among those with no experience of problems; and, if anything, the former group is somewhat skewed towards those who are very confident.

Table 10.31: Confidence in obtaining justice by experience of employment problem

Experience of problem	Very confident	Confident	Not sure	Not very confident	Not confident at all	Unweighted base
Had experience of a problem (%)	15.0	35.6	29.4	8.8	11.3	164
No experience of a problem (%)	9.9	42.7	33.8	10.1	3.5	836

Note: all percentages are row percentages.

11. Concluding Remarks

This study has covered a wide range of employment rights, with a complex research instrument, utilising a variety of measures of awareness, knowledge and experience of employment rights. The main findings of the study have already been presented in detail in the 'Executive Summary' and it is not our intention to repeat them here. Indeed one of the striking features of the findings is that it is difficult to find general or universal patterns which apply across different employment rights, across different groups of individuals or across different measures of awareness and/or knowledge.

It is, nevertheless, worth briefly asking what can be learned from the study in general terms about questions such as:

- Which rights and entitlements are people most (and least) aware of?
- Which groups in the economically active population are most aware and knowledgeable about their rights, and which the least aware?
- Which people are most likely to exercise their employment rights?

We present below some preliminary and, in some cases, tentative interpretations of how some of the key findings address these issues.

11.1 Which rights are people most aware of or knowledgeable about?

11.1.1 Awareness

It is notable that the three areas of legislation which were, by some margin, most frequently cited by respondents (either unprompted, or after being given an example of what is meant by an employment right) were very diverse in nature:

- One was a very specific recent piece of legislation (the Working Time Directive), some of the provisions of which have, nevertheless, been the subject of some controversy and

publicity, perhaps contributing to the wide level of awareness of its existence.

- The second was a broad set of well-established, wide ranging legislation, albeit outside the scope of this study (Health and Safety legislation), much of which goes back many years. This area of legislation is 'visible' in the sense that it has a distinctive body charged with enforcement and dissemination, and the presence of health and safety representatives is a feature of many workplaces.
- The third (anti-discrimination legislation) includes provisions, some of which date back to the 1970s (sex and race discrimination), and some of which is much more recent (disability discrimination). By definition, however, such legislation is of particular interest and concern to certain sub-groups of the population, and we might, therefore, expect higher than average awareness among those groups.

When respondents were asked directly about their prior awareness of five specific pieces of legislation, the highest recorded awareness was for the National Minimum Wage (relatively recent, but also well-publicised), followed by anti-discrimination rights and unfair dismissal rights (the latter stands out as a long-established area of legislation). Some way behind came the Working Time Regulations, a contrast with the findings regarding unprompted/partly prompted awareness, where they came top of the list. This suggests that overall, the Working Time Regulations are not one of the areas of law of which people are nearly universally aware. The regulations are, however, relatively prominent in the minds of many of those people who *are* aware of them. Last in this list came parental leave, a set of very recent provisions.

Simply on the basis of the types of legislation which came most quickly to respondents' minds (*ie* unprompted or partly prompted awareness, in the language of this study), we might hypothesise that some or all of the following factors may be relevant in influencing awareness of legislation:

- visibility and length of time established (Health and Safety legislation, for example)
- publicity/controversy attached to the legislation (Working Time Regulations, some anti-discrimination legislation)
- the existence of a visible enforcement body (Health and Safety, anti-discrimination legislation)
- whether they are of particular concern to distinct sub-groups (anti-discrimination legislation).

11.1.2 Knowledge

When it comes to substantive knowledge, it is harder to compare across areas of the law, because much depends on the particular questions used to test knowledge of specific rights.

Nevertheless, at the risk of some simplification, we can draw on the substantive knowledge questions to divide the provisions examined into two groups:

- Provisions about which the level of substantive knowledge appeared to be **generally high.** These included:
  - unfair dismissal (right to representation)
  - (lack of) length of service criterion for coverage by anti-discrimination legislation
  - applicability of NMW from day one of employment
  - right to repeated maternity leave
  - (lack of) quota requirement in DDA
  - coverage of promotion and training in anti-discrimination legislation
  - lack of employer size threshold for race and sex discrimination
  - level of NMW.
- Provisions about which the level of substantive knowledge appeared to be **generally low.** These included:
  - parental leave (duration and payment)
  - time off for dependants
  - Working Time Regulations (variety of provisions examined)
  - exclusion of age from anti-discrimination legislation
  - unfair dismissal (time limit for tribunal applications)
  - DDA employer size threshold.

There are few clear patterns to note here except that, once again, most of those provisions about which substantive knowledge is low, are relatively recent ones (*eg* parental leave, time off for dependants, Working Time Regulations). In addition, this group also includes specific technical provisions about which knowledge would not be necessary unless a dispute or problem had already arisen (*eg* the time limit for tribunal applications).

By contrast, many of those in the list of provisions about which substantive knowledge is high, are long-standing provisions (*eg* unfair dismissal representation, length of service criteria for anti-discrimination legislation, right to repeated maternity leave)

and/or are general provisions which might be inferred on the basis of 'natural justice' or common sense, once an individual is aware of the existence of the legislation (*eg* right to repeated maternity leave, coverage of anti-discrimination legislation).

A key feature which emerges from comparisons of awareness and knowledge, is that high levels of awareness (prompted or unprompted) of the existence of the legislation often do not, however, translate into substantive knowledge of its provisions. This is manifestly clear in the case of the Working Time Regulations, for example, where as we can see from the above, awareness is relatively high, and knowledge rather low.

It is also worth noting that in many cases where knowledge was low, this was not always because respondents indicated that they 'did not know' the answer. In many cases, they thought they did know, but were wrong. They were under a specific misconception about the law – *eg* a significant proportion of respondents not only believed that age was covered by anti-discrimination legislation, but thought, for example, that marital status was not covered.

11.1.3 Perceptions of entitlement

We also looked at a number of scenarios, three in each area of law. We examined what proportion of respondents could identify the scenario as a breach of the legislation, and of the latter we looked at what proportion based their assessment of an infringement on some knowledge of the law (rather than a general sense of fairness or natural justice).

Looking at the distribution of responses across all scenarios, we can crudely distinguish between scenarios in which a 'high' proportion identified them as lawful (say, over 70 per cent or more), and those in which a 'low' proportion did so (less than 70 per cent). Similarly we can distinguish between a 'high' and 'low' proportion making judgements about the lawfulness of the scenario based on knowledge (with a dividing line of, say 60 per cent)[1]. The scenarios are categorised in this way in Table 11.1 below.

This enables us to identify those scenarios which a high proportion identified as unlawful, and which also have a high proportion who can use knowledge of the law to make such a judgement. An example is the scenario involving denial of benefits to a newly promoted Asian man; most people knew that this was likely to be unlawful, and most of those were able to root their explanation in the Race Relations Act.

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[1] These thresholds are simply arbitrary means of dividing the provisions into groups of roughly even size.

These can be contrasted with scenarios which a high proportion identified as unlawful, and where this was not grounded in any knowledge of the legislation (but was rather based on a sense of natural justice or what 'ought' to be in the law). The clearest example was the scenario based on unfair dismissal on grounds of sexual orientation – 92 per cent stated that this was likely to be unlawful, but only 16 per cent of those could say why.

At the other end of the spectrum we have examples where (relatively) smaller numbers identified the scenarios as unlawful. Among these examples, there were some with high proportions of respondents who knew *why* they were likely to be unlawful. This is the case, for example, in the scenario based on sex discrimination (due to a dress code). Relatively few respondents (64 per cent) were convinced that this was unlawful, but of those, 73 per cent understood that it was sex discrimination.

Finally we have examples such as the parental leave scenario, which was identified as unlawful by only 35 per cent of respondents, and only 59 per cent of these could explain why.

Once again, there are very few general patterns which emerge from these data, to help us ascertain why some scenarios fall into one category rather than another, in terms of respondents' ability correctly and/or knowledgeably to identify their unlawfulness. Two points can, however, be made:

- It is notable that all three of the scenarios which relate to legislation dealing with **wages, terms and conditions** fall into the 'high-high' category – *ie* most respondents identify them as unlawful, and most of these, in turn, are able to provide an explanation for this which exhibits some knowledge of the law. It is perhaps no coincidence that this is a long-standing and well-established area of employment rights.
- At the other extreme, however, it is notable that two of the three scenarios which relate to **work-life balance**, fall into the 'low-low' category, and the third (relating to maternity rights) falls (just) into the 'low-high' category. *ie* compared with the other scenarios, relatively few respondents identify these as unlawful, and of these, relatively few in turn have an understanding which is based on knowledge of the legislation itself. Again it may be no coincidence that, for the most part, this is an extremely recent area of employment law, the main exception being maternity rights which, of the three scenarios in this area, received the highest scores on both counts.

Table 1 : Classification of scenario response

	Scenario	% identifying scenario as unlawful	% whose judgement of unlawfulness is based on knowledge
High proportion identifying as unlawful; high proportion based on knowledge			
	Refusal to supply contract	89	82
	Payment for temporary worker	87	88
	Race discrimination — benefits	78	92
	Deduction from wages	78	76
	Sick pay	74	73
High proportion identifying as unlawful; low proportion based on knowledge			
	Unfair dismissal — sexual orientation	92	16
	Annual leave	85	27
	Unfair dismissal — age	83	44
	Disability discrimination — promotion	73	48
	Working hours	71	39
Low proportion identifying as unlawful; high proportion based on knowledge			
	Release from work for ante-natal classes	66	62
	Sex discrimination — dress code	64	73
Low proportion identifying as unlawful; low proportion based on knowledge			
	Unfair dismissal — sickness	69	57
	Time off for dependants	64	22
	Parental leave	35	59

11.2 Which groups are most aware of, or knowledgeable about their rights?

Once again, it is important to stress the diversity of the results. There is no evidence, either from the detailed analysis of awareness of individual areas of legislation, or from the aggregate analysis of general awareness/knowledge, that specific personal characteristics, employment characteristics or experience are unambiguously associated with higher or lower levels of awareness and/or knowledge of employment rights.

The multivariate analysis in the Statistical Appendix, while limited in scope (and focusing only on self-assessed and prompted awareness), confirms that there are few personal or employment characteristics which consistently and significantly influence awareness in a given direction.

The matter is further complicated by apparent inconsistencies in some of the data – in some places a given characteristic is associated with higher levels of awareness or knowledge, while in others it is associated with lower levels.

The most that can be said, therefore, is that some factors appear to be important *more often than others* in influencing awareness (albeit, perhaps, in only some areas of employment rights, and with some exceptions).

We can, however, and again at some risk of oversimplification, identify at least three types of potential influence on awareness and knowledge. They are not watertight categories, and they overlap in the sense that some groups of individuals are affected by all three:

- labour market advantage/disadvantage
- relevance of the legislation to the individual and their circumstances, and
- experience.

We consider each factor briefly in turn below.

11.2.1 Labour market advantage/disadvantage

The first set of variables relates to where the individual stands on the spectrum of labour market advantage/disadvantage, broadly defined to incorporate both personal characteristics (*eg* education, ethnicity) as well as the characteristics of individuals' jobs (their occupational level, their contractual status *etc.*)

It is notable (albeit with many exceptions) that the proportion of people recording high levels of awareness and/or knowledge on many of the measures used in this report was often higher:

- Among white respondents than among those from ethnic minorities.
- Among respondents with higher levels of qualification.
- Among respondents in higher level occupations (*eg* non-manual and/or more highly skilled, managerial and professional occupations); and also sometimes among respondents with higher levels of wages.
- Among employees with permanent rather than temporary jobs; and among respondents whose employers, for example, had issued them with written particulars of their terms and conditions; and also, sometimes, among full-timers rather than part-timers.
- Among union members rather than non-members.

It is important not to stretch this argument too far, because there were also many counter examples to be found in the report. There is, nevertheless, some evidence, taking these factors together, that individuals with personal characteristics which advantage them (*eg* high educational level, member of the majority ethnic community) and individuals who find themselves in relatively protected parts of the labour market (in permanent, professional, unionised employment) are more likely to exhibit awareness and knowledge of their employment rights. Arguably, it is those who might need that awareness/knowledge the most, who are least likely to have it.

It is, for example, notable from the analysis of employment problems experienced by the sample, that some of the groups who score relatively poorly on many measures of awareness and knowledge (*eg* members of ethnic minorities, people with lower level qualifications, temporary employees, people without written statements of terms and conditions) are also people who are more likely than average to report experiences of employment problems and (potential) infringements of their rights.

11.2.2 Relevance to the individual and their circumstances

When we look at specific areas of employment rights, it is also often the case that those for whom the right is most obviously relevant because of their personal characteristics (*eg* women in the case of maternity rights, or sex discrimination, disabled people in the case of disability discrimination *etc.*), demonstrate higher than average levels of awareness and/or knowledge of the right in question.

Perhaps the clearest example of this relates to work-life balance legislation, of which awareness and knowledge were relatively low, but some groups to whom the legislation is most clearly targeted (*eg* parents, women, those in the 26-45 age range) demonstrated higher levels of awareness and knowledge of many of the rights in this area on several of the measures.

Similarly it is notable that the few measures on which respondents from ethnic minorities score higher than their white counterparts relate to issues such as discrimination.

It is important to stress that this pattern is not universal, however, and it is clear that the criterion of personal 'relevance' often interacts with that of advantage/disadvantage, such that disadvantaged groups to whom the legislation in question might be most relevant may be less aware and/or knowledgeable than others. Thus it is not the case, for example, that ethnic minorities are more aware/knowledgeable than white respondents on all measures relating to (race) discrimination. Similarly, the evidence on awareness of the NMW and knowledge of its provisions

suggested that some groups to whom the provisions are most obviously relevant – people in lower skilled occupations, in sectors such as distribution, catering *etc.* and on low wages – demonstrated lower than average awareness/knowledge on some of the measures[1].

This latter point raises a second dimension to the factor of 'relevance', namely relevance to the respondent's job or its circumstances. Thus, for example, although in most cases, permanent employees tend to exhibit higher awareness/knowledge levels than temporary employees, there were examples in the study where the pattern was reversed, *ie* on certain measures of awareness/knowledge, particularly in the areas of Working Time Regulations and wages, terms and conditions, where temporary staff recorded higher levels.

Another example relates to managerial and administrative staff, where it is likely that their higher than average levels of awareness/knowledge, even of provisions of no clear direct personal relevance to such groups, may reflect not only higher levels of general education, but also a facet of their jobs. Thus, they may acquire an awareness of employment legislation and rights in their role as managers/employers of other staff.

11.2.3 Experience

Finally, it is worth noting that one of the most consistent findings in the study relates to the role of experience of employment problems. Generally speaking, those with experience of employment problems tend to rate their own levels of awareness and knowledge of employment rights *less highly* than do those without such experience. The evidence suggests, however, that in practice, on most measures such experience is associated with *higher* levels of awareness and/or knowledge.

This applies at a general level (between experience of employment problems of all types and levels of informed awareness, for example), and within specific areas of law. Throughout the report, there was an almost universal tendency for respondents with experience of a problem in a particular area to be more aware/knowledgeable of rights in that area. While it seems likely that experience influences and conditions awareness and knowledge, it must also be recognised that the causality may go in

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[1] Even here the patterns were complex, however – thus low paid people indicated lower awareness of the NMW's existence, but among those who were aware of it, substantive knowledge of the rate at which it was set, was highest among the lowest paid groups. One interpretation is that although better paid people might be aware of its existence, the level at which it is set is of less relevance to them. In contrast, a low paid person becoming aware of the NMW is likely to have considerable interest in its level.

the opposite direction. Thus those who are more aware and knowledgeable than average of their employment rights, may be also be more likely to interpret a particular situation at work as an 'employment problem' or an 'infringement' of their rights.

11.3 Who exercises their employment rights?

The research also provided a wealth of evidence on what people did when faced with an employment problem, what steps they took and how far they pursued their employment rights.

Clearly one issue of particular interest is whether those who are more or less aware/knowledgeable about their rights are more or less likely to take action in pursuit of those rights. Put another way, does lack of awareness/knowledge 'disenfranchise' people in achieving their employment rights?

Because of the relatively small numbers who had experienced infringements of such rights, the conclusions which can be drawn are limited. Thus although there was some evidence that some groups with generally lower levels of awareness and knowledge of employment rights (*eg* lower paid employees, non-union members) were less likely to seek advice or take action, the pattern was not a straightforward one. It was also the case, for example, that temporary workers were more likely than permanent employees to seek advice about an employment problem.

Although hypothetical questions were also asked of the whole sample about their propensities to take action when faced with an (unspecified) violation of their employment rights, virtually the entire sample indicated that it would take some action, and it was not possible from this to identify clear patterns between respondents with different characteristics (the main variation between individuals was not whether they would take action *per se*, but whether they would turn initially to external advice or support, or whether they would contact the employer first).

Of more potential interest, therefore, are the findings on the propensities to take action in the context of the specific detailed scenarios outlining hypothetical breaches of employment rights. Once again, however, these analyses, when broken down by relevant individual characteristics, showed very few consistent features. It seems that the propensity to take action depends very much on the circumstances of the presumed rights infringement. It is not the case, for example, that 'disadvantaged' groups in the labour market appear systematically more or less likely to take action in response to the scenarios. Thus, for example, in some cases, low paid workers, or non-union members were more likely than the average to take action, and in other cases, less likely to take action.

There is, therefore, no compelling evidence from the study that lack of awareness/knowledge of employment rights is a general constraint to taking action when those rights may have been infringed, nor indeed that awareness/knowledge of employment rights is a spur to action.

It is perhaps finally worth stressing, however, that although disadvantaged groups may be no less likely to take action in pursuit of their rights, the research did show that members of some such groups (those in lower level occupations, temporary and part-time workers, non-union members *etc.*) were typically less confident of achieving justice through the system.

12. Statistical Annex: Multivariate Analysis

12.1 Introduction

In this report we have looked at the ways in which various measures of awareness and knowledge among our respondents vary with the personal and employment characteristics and the experience of our respondents. The analysis throughout the report has been bivariate in nature, looking at the relationship between awareness/knowledge and the other variables individually. Clearly, in so far as some of these other variables are themselves related, it is not possible from bivariate analysis alone to distinguish their separate influences on awareness/knowledge. For this we need multivariate analysis which looks at the relationship between awareness/knowledge and a given factor, in a statistical model, holding other factors constant.

To take some obvious examples, if we find that a particular measure of awareness or knowledge varies with the respondent's educational level, given that there is also a strong relationship between age and educational attainment, it remains unclear from bivariate analysis whether the observed relationship with education is, in part, an age effect. Similarly, if awareness/knowledge varies with gender, but also with working time patterns, bivariate analyses cannot disentangle the two relationships, given the strong relationship which also exists between gender and working time.

In this appendix, therefore, we begin to explore some multivariate models of awareness. This analysis is subject to two important data constraints, however. First, given the relatively small size of the overall sample, we have only been able to use dependent variables which are based on questions which were asked of the whole sample of 1,000 cases. In particular this means that our analysis is restricted to:

- a measure of self-assessed general awareness of employment rights
- measures of (prompted) awareness of specific employment rights.

Analysis of the various measures of knowledge, based as they were on a sub-sample of cases, filtered according to responses to awareness, have not, therefore, been undertaken, because of the smaller sample sizes.

Second, we have been unable to use some survey questions as independent variables, because of missing cases due to non-response. In particular, this applies to the earnings/income variable, to which a significant proportion of the sample refused to respond; incorporating such a variable in the multivariate analysis would not only have reduced the number of cases, but introduced a potentially significant non-response bias to the results. In this particular case, there is a strong correlation between income and occupation, and it is reasonable to assume that the occupation variables included in the models pick up some or all of any income effect, although clearly it is not possible on this basis to distinguish the occupation effect from the income effect.

12.2 Logistic regression

The technique used is logistic regression, where the dependent variable is coded 1 if the respondent is categorised as 'aware', and 0 if not. The statistical model is estimated with a range of independent variables and assesses the effect of changing one of the independent variables on the odds[1] of the respondent being aware, in this sense. In the models presented in Table 12.1 below, one category of each of the independent variables is chosen as the reference category (thus in the case of gender, the reference category is female, in the case of qualifications, the reference category is having no qualifications *etc.*). The coefficient [Exp(B)] for the reference category is set to 1.0, and the coefficients for other values of the variable are interpreted relative to this reference category. A coefficient greater than 1.0 means that the value of the variable in question increases the odds of the individual being aware compared with the reference category; a coefficient of less than 1.0 means that the odds are reduced compared with the reference category[2].

Table 12.1 reports the results from six separate logistic regressions which have been estimated, each with the same set of

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1 Odds in this context are just an alternative way of representing probabilities, so if the probability of the respondent being aware is 10 per cent, the odds are 9 to 1 against or 0.11.

2 In the case of continuous independent variables (in these models this applies only to the age variable), the coefficient should be interpreted in the conventional manner as the effect on the odds of a unit increase in the value of the independent variable (again, coefficients greater than 1.0 indicate a positive marginal effect, and *vice versa*).

independent variables, and with the following six dependent variables:

- general self-assessed awareness (coded 1 if respondent says they feel they are 'very well informed' or 'well informed' about their rights at work, 0 otherwise)
- prompted awareness of parental leave (coded 1 if respondent is aware of the right to take a set time off work to spend with a child, 0 otherwise)
- prompted awareness of working time regulations (coded 1 if respondent is aware of the right to annual leave, in-work rest breaks, and maximum weekly working hours, 0 otherwise)
- prompted awareness of National Minimum Wage (coded 1 if aware of right to NMW, 0 otherwise)
- prompted awareness of anti-discrimination legislation (coded 1 if aware of right to be treated fairly regardless of race, gender or disability, 0 otherwise)
- prompted awareness of unfair dismissal legislation (coded 1 if aware of right not to be dismissed unfairly, 0 otherwise).

In each case the independent variables are grouped into three broad categories of factors which might be hypothesised to influence levels of awareness:

- personal characteristics of the respondent
- characteristics related to the respondent's employment
- the respondent's experience of problems at work.

We highlight in the following sections the key results from the statistical modelling exercise, some of which are more straightforward to interpret intuitively than others.

12.3 Personal characteristics

12.3.1 Gender

Once the influence of other factors is taken into account in the multivariate analysis, the sex of the respondent does not appear to be associated with any difference in awareness levels (either self-assessed awareness of general rights or prompted awareness of specific rights). Thus although, compared with men, women are less likely to report high levels of employment rights in general, and the working time regulations, and more likely to report awareness of the National Minimum Wage and anti-

discrimination legislation, none of these differences are statistically significant at conventional levels[1]

12.3.2 Ethnic origin

In all of the statistical models, non-white respondents report lower levels of awareness than whites (although the difference is very small in the case of anti-discrimination legislation). This lower level of awareness is statistically significant in only two cases, however: awareness of the National Minimum Wage, and awareness of unfair dismissal legislation.

12.3.3 Age

The respondent's age has a statistically significant influence on the odds of the respondent being 'aware' in two cases. Thus, after controlling for other factors, older people are more likely than their younger counterparts to be aware of the National Minimum Wage and of unfair dismissal legislation.

12.3.4 Disability

Being disabled (in the sense of having a disability or a health problem lasting or expected to last for a year or more) significantly reduces the likelihood of awareness of the working time regulations, the National Minimum Wage and anti-discrimination regulations.

12.3.5 Marital Status

In general, marital status has little influence on reported awareness, with the following exceptions:

- compared with single people, separated and divorced people are significantly more likely to report a high level of general awareness of employment rights
- and together with widowed people, this group are also significantly more likely to be aware of the working time regulations
- finally, and again compared with single people, married and cohabiting people are significantly more likely to report prompted awareness of the National Minimum Wage.

12.3.6 Dependent children

Having dependent children makes no difference to reported awareness, with the exception that people with dependent

[1] We have taken a significance level of 95 per cent as a cut off in the present analysis.

children are less likely, after controlling for other factors, to report awareness of the National Minimum Wage, than respondents without dependent children. It is not clear how to interpret this finding.

12.3.7 Educational level

Respondents' educational level (as measured by their highest qualification) has no statistically significant influence on self-assessed general awareness, but prompted awareness of specific rights does tend to vary with the level of education. While the precise patterns of statistical significance vary between the rights in question, there is a general finding that compared with those with no qualifications, those with higher qualifications tend to be more likely to be aware of a given right (as indicated by a coefficient greater than 1.0), and in each case, some of the coefficients on qualifications variables are statistically significant.

12.4 Employment characteristics

12.4.1 Sector

In neither the model for general self-assessed awareness, nor any of the models for prompted awareness of specific rights, does the respondent's sector of employment appear to make any difference to the odds of their being 'aware'. Compared with a reference category of an individual employed in the primary or extractive sectors, none of the coefficients on any of the other sectors are statistically significant in any of the models.

12.4.2 Occupation

The respondent's occupational category does, however, appear to play a role, and the general pattern is that, compared with the reference category of someone in the 'other unskilled' category, respondents in 'higher' level occupations tend to have higher levels of awareness, although once again the patterns of statistical significance vary between the models. Thus in the case of self-assessed general levels of awareness, the odds of a high level of awareness are greatest for managers/administrators, followed by sales staff, plant/machine operatives, and clerical/secretarial staff (the coefficients on the other occupations are not significant).

In the cases of anti-discrimination legislation and unfair dismissal legislation, it is again managerial and administrative occupations which record the highest odds of prompted awareness (other occupations have statistically insignificant coefficients).

In the case of prompted awareness of the working time regulations, it is managerial/administrative and professional and

technical occupations which record statistically significant and increased odds of awareness compared with the reference group.

The patterns which apply to the National Minimum Wage model, are harder to interpret[1] – in this case significant coefficients are recorded on the personal and protective services, and plant/machine operatives group, but in both cases they indicate reduced odds of awareness compared with the reference category.

Finally, in the case of awareness of parental leave, none of the occupational coefficients are statistically significant, although they all lie in the expected direction (coefficients greater than 1.0, indicating increased odds of awareness compared with the reference group).

12.4.3 Employment status

Employment status (in the sense of whether the job is permanent or temporary) appears to make no statistically significant difference, in most cases, to the odds of awareness, with the exception that prompted awareness of parental leave rights is less common among temporary workers, than among those with a permanent employment contract.

It is, however, perhaps worth noting that, although not statistically significant in the other models, in each case the size of the coefficient has an intuitive interpretation. Thus generally speaking temporary workers have lower odds of both self-assessed and prompted awareness, with the exception of unfair dismissal legislation where the odds are increased compared with permanent staff.

12.4.4 Working time

The working hours pattern of respondents do not generally make a statistically significant difference to their odds of being 'aware', with two exceptions:

- compared with those working fewer than 16 hours per week, those with longer working weeks are statistically more likely to report prompted awareness of the working time regulations; and
- those with working hours in the 17-34 hour range are statistically more likely than those with shorter working hours to report prompted awareness of unfair dismissal legislation.

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[1] It should be noted, that due to the relatively small number of respondents who are not aware of the NMW (lower than in the case of any of the other rights – see Chapter 7), the coefficients in this model are generally less stable and reliable than those in the other models.

12.4.5 Union membership

In all six models, being a trade union or staff association member is associated with higher reported odds of awareness. In three of the six models, moreover, this effect is statistically significant:

Thus compared with non-members, union members have nearly twice the odds of high levels of self-assessed general awareness of employment rights. In practice, moreover, their odds of being aware of the working time regulations are 1.6 times those of non-members, and their odds of being aware of anti-discrimination legislation are 2.4 times those of non-members.

12.5 Experience

Finally, in all the models we included a variable which reported whether or not the individual had experienced problems at work (relating to their employment rights) in the previous five years.

Interestingly, looking at self-assessed general awareness of employment rights, those who had experienced such problems were less likely than those who had not, to identify themselves as well informed or very well informed about their rights at work. Perhaps this initially counterintuitive findings indicates that the experience of such problems may bring home to respondents that they are not well informed about their rights.

This pessimism about their general awareness did not, however, in most cases, translate into lower levels of awareness of specific rights, with the exception of awareness of anti-discrimination legislation, where those with experience of employment problems were indeed significantly less likely than others to indicate prompted awareness of such legislation.

Table 12.1 Logistic regressions

		Independent variable											
		General self-assessed awareness of employment rights		Aware of right to parental leave		Aware of working time regulations		Aware of National Minimum Wage		Aware of anti-discrimination legislation		Aware of unfair dismissal legislation	
	Independent variables	Exp (B)	Sig	Exp (B)	Sig	Exp (B)	Sig	Exp (B)	Sig	Exp (B)	Sig	Exp (B)	Sig
Personal characteristics	Sex (male=0, female=1)	0.801	0.255	1.099	0.746	0.781	0.222	2.201	0.186	1.629	0.132	1.018	0.954
	Ethnic origin (white=0, non-white=1)	0.751	0.456	0.817	0.582	0.700	0.357	**0.052**	**0.000**	0.923	0.889	**0.180**	**0.000**
	Age of respondent in years	0.995	0.566	1.013	1.131	**1.030**	**0.002**	0.994	0.848	1.019	0.202	**1.044**	**0.006**
	Disability (not disabled=0), disabled=1)	1.135	0.553	0.880	0.516	**0.480**	**0.000**	**0.199**	**0.018**	**0.507**	**0.025**	0.872	0.666
	Marital status (single, living alone=0)												
	Single, living with parents	1.469	0.255	0.652	0.197	1.170	0.664	0.785	0.794	0.907	0.861	0.685	0.437
	Married / cohabiting	1.492	0.103	1.236	0.357	0.948	0.846	7.501	**0.040**	0.679	0.370	0.812	0.623
	Separated / divorced	**2.498**	**0.007**	1.153	0.628	**0.465**	**0.021**	4.127	0.209	0.416	0.090	0.747	0.588
	Widowed	2.614	0.215	0.480	0.267	**0.111**	**0.002**	28910.36	0.868	0.262	0.158	0.721	0.747
	Dependent children (no=0, yes=1)	0.977	0.903	1.344	0.089	0.861	0.447	0.201	**0.016**	1.326	0.353	0.784	0.418
	Highest qualifications (none=0)												
	NVQ 1 or equiv	0.795	0.533	**0.508**	**0.044**	1.360	0.383	**31.362**	**0.040**	2.010	0.212	2.278	0.116
	NVQ 2 or equiv	0.807	0.475	1.030	0.912	**2.669**	**0.001**	2.380	0.255	1.560	0.268	1.979	0.080
	NVQ 3 or equiv	1.251	0.509	1.447	0.220	**3.900**	**0.000**	**15.203**	**0.025**	**5.091**	**0.003**	**3.190**	**0.017**
	NVQ 4 or equiv	1.220	0.502	1.727	0.057	**2.145**	**0.014**	**9.801**	**0.045**	2.262	0.080	**5.429**	**0.001**
	NVQ 5 or equiv	1.269	0.587	**2.640**	**0.015**	2.175	0.080	0.235	0.208	2.029	0.298	**10.883**	**0.026**
Employment characteristics	Sector – SIC (primary and extractive=0)												
	Manufacturing, utilities and construction	0.678	0.503	0.577	0.273	0.438	0.277	0.002	0.910	2.431	0.206	0.365	0.398
	Distribution, catering, transport etc.	0.542	0.300	0.923	0.876	0.599	0.450	0.001	0.891	1.999	0.511	0.368	0.406
	Business and financial services	0.676	0.531	1.189	0.751	0.402	0.196	0.005	0.924	1.526	0.595	0.960	0.975
	Public admin, education and health	0.808	0.725	0.841	0.743	0.683	0.584	0.005	0.924	2.773	0.203	0.486	0.560
	Other services	0.959	0.949	1.018	0.975	0.610	0.495	0.002	0.909	3.633	0.148	0.560	0.649
	Occupation (other unskilled = 0)												
	Managerial/admin	**4.003**	**0.000**	1.970	0.056	**2.566**	**0.015**	2.499	0.508	**4.164**	**0.019**	**3.699**	**0.025**
	Professional/technical	1.769	0.137	1.475	0.298	1.822	0.143	0.999	1.000	1.592	0.446	2.820	0.127
	Assoc. professional/technical	1.572	0.244	1.095	0.811	**3.386**	**0.006**	7.012	0.349	2.467	0.170	0.733	0.560
	Clerical/secretarial	**2.422**	**0.021**	1.929	0.076	1.914	0.102	0.292	0.281	1.406	0.554	1.457	0.490
	Craft/skilled manual	0.852	0.666	1.167	0.680	1.467	0.338	1673.846	0.758	1.120	0.834	2.624	0.088
	Personal/protective services	1.724	0.171	1.368	0.419	1.029	0.943	**0.092**	**0.022**	0.847	0.763	0.836	0.729
	Sales	**3.801**	**0.002**	1.086	0.839	1.016	0.969	0.504	0.522	0.539	0.250	1.519	0.450
	Plant/machine operatives	**2.458**	**0.045**	1.190	0.676	2.223	0.081	**0.065**	**0.022**	1.398	0.612	1.433	0.540
	Employment status (permanent=0, temporary=1)	0.350	0.730	**0.328**	**0.001**	0.910	0.789	0.638	0.671	0.671	0.447	1.521	0.514
	Working time (1-16 hours per week=0)												
	17 – 34 hours per week	0.992	0.985	1.423	0.372	2.222	0.057	1.732	0.593	0.938	0.926	**3.852**	**0.021**
	35+ hours per week	0.845	0.671	1.230	0.571	**2.182**	**0.042**	2.054	0.457	0.677	0.543	1.692	0.287
	Union member (no=0, yes=1)	**1.987**	**0.000**	1.323	0.104	**1.652**	**0.014**	2.471	0.170	**2.435**	**0.011**	1.344	0.330
Experience	Problems at work in last 5 years? (no=0, yes=1)	**0.369**	**0.000**	0.794	0.263	0.995	0.981	2.052	0.421	**0.491**	**0.022**	1.062	0.861
	Constant	**2.541**	**0.056**	**0.267**	**0.004**	**0.304**	**0.019**	765.893	0.671	**3.820**	**0.070**	1.801	0.439
In all models the number of cases is 906 (unweighted); 870 (weighted)													

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Appendix 1: Research Methodology

The study's methodology was described briefly in the main body of the report (Chapter 2). This appendix contains a fuller account of the research methodology, covering:

- the organisations and experts consulted in the initial design and development stages of the research
- the development of the 'scenario' questions designed to test perceptions of entitlement
- the overall questionnaire design process
- the piloting phase
- the sampling methods used to gain access to households and individuals
- the survey response rate
- sample weighting.

Involvement of experts

The survey instrument was designed to incorporate several objectives. In particular:

- the questions needed to reflect accurately the relevant legal provisions
- the questions needed to capture respondents' actual experiences and perceptions, and to be understandable to members of the general public
- the questions needed to build on existing data and research.

To help in achieving these objectives, a range of advice providers and other agencies with relevant expertise were consulted in the design stage of the research. These agencies were invited to attend workshops at which the research materials were discussed and their suggestions and comments solicited. In particular, these workshops focused on participants' actual experiences of giving advice in real life cases, and these were used as the basis for the scenarios incorporated in the questionnaire (see Appendix 3).

The advice providers and other agencies involved in this consultation included:

- national statutory bodies involved in advice provision (ACAS, Equal Opportunities Commission)
- organisations involved in providing support and advice on employment rights issues (RADAR, Royal National Institute for the Blind, Lesbian and Gay Employment Rights, the Disability Law Service, National Association of Citizens' Advice Bureaux, representatives of four local CABs)
- trade union representatives (TUC, GMB)
- academic researchers (Kingston Business School).

Questionnaire design process

The questionnaire (see Appendix 4) was designed to collect three broad types of information:

- background information on each respondent about their personal and demographic characteristics, their job and their employer
- information about individuals' experience of problems with employment law and how they exercised their rights in these situations
- information relating to respondents' awareness and knowledge of the law.

In producing a relatively complex questionnaire covering these areas, an iterative design cycle was adopted, with the involvement of the DTI research team, the expert agencies listed above, and other interested parties (*eg* representatives from the Department for Education and Employment, the Cabinet Office Women's Unit) at various stages of the drafting process.

There were several constraints on the design. For example:

- It was essential to keep the time required to complete the survey interview as short as possible, whilst collecting a great deal of detailed information. If the elapsed time for the survey was too long it would act as a disincentive to potential interviewees and also result in a greater number of incomplete responses. The objective was set, to keep the interview length to 25 minutes or less, on average.
- In testing knowledge, it was also important that individuals were filtered out of the questioning process if in answering previous questions they had shown themselves to have little or no awareness of that specific area. This was designed to reduce the amount of error in the responses to knowledge questions caused by guesswork.

- A further important aspect of the design was to avoid alienating respondents by asking them long lists of factual questions they were unable to answer.

Piloting phase

Due to the complex nature of the questionnaire, it was important that the questionnaire was adequately piloted, to check for ambiguity and accuracy, to monitor the length of the questionnaire and assess the ease with which the correct respondent could be identified. The pilot was conducted with 30 interviewees and a number of different interviewers which allowed a range of different comments and difficulties to be noted.

It was stressed to interviewers during the piloting and during a thorough briefing session that respondents should be encouraged to respond with a 'don't know' response rather than make a guess at a factual question to which they did not know the answer. Respondents were informed that a 'don't know' was a more valid answer than such a guess and this was reiterated to the respondent at various stages of the interview.

Sampling methods

Constructing a general population sample

In order to maximise the generalisability of the findings, the sampling strategy chosen was a randomised household survey, conducted by telephone. The size of the sample was set at 1,000 completed interviews. For any probability sample of the population there is a requirement for a frame that either lists all, or at least nearly all, the members of the population. For a telephone survey, therefore, the requirement is for a listing of all telephone numbers in use by private households. Such listings, however, are generally held in confidence by service providers and are not made available to researchers.

To compensate for this difficulty, the sampling strategy for this study involved the construction of a nation-wide sampling frame, based on a complete list of all exchange codes, including cable operators, which cover addresses in Great Britain. Exchange codes cover large volumes of potential numbers, many of which are not yet allocated. There are potentially 10,000 numbers in a four-digit code but in practice the number actually in existence could be anything below that down to fewer than 100. In order to make the sampling strategy feasible and to cut down on wasted calls to non-allocated numbers, the methodology in this study worked on the basis of blocks of 100 numbers. Thus for a telephone number of the form xxx-xxxxxx, a single block represents every number from xxxx-xxxx00 to xxxx-xxxx99. Only blocks of 100 known to

contain working residential numbers were included in the sampling frame.

The next stage was to stratify the list, based on exchange codes, to ensure the correct balance across the whole country. Once the list was stratified, a sample of blocks of one hundred numbers was selected simply by sampling every *n*th block down the list. At this stage, all blocks are treated equally for the purposes of sampling as it is unknown how many numbers have been allocated to subscribers in each one. Within each of the sample blocks numbers were then selected entirely at random, by generating random numbers between 00 and 99 and appending these to the truncated block. These numbers were then run through an auto-dialler, to identify non-working numbers without needing any interviewer time. The remaining numbers are then all dialled, and represent a random sample of all working numbers.

Some of these were non-residential – whether businesses, computers or fax lines – and were dealt with in the same way as business addresses in a face-to-face postcode-based sample, *ie* treated as non-effective and not counting towards the response rate.

Sampling of individuals

Once contact with a household had been established it was necessary to determine which individual, if any, from that household should take part in the survey. Eligible respondents were defined as those who were economically active at the time of the call or who had been so during the year before the survey date. The households included in the survey therefore needed to contain at least one individual of working age (16-64 for men or 16-59 for women). Households with no-one fitting the eligibility criteria were not included in the interviews. Of those remaining, some had more than one person fitting the criteria and it was necessary to have a clear strategy for selecting an individual to involve.

The method employed was a 'next birthday' selection where the person within the household that the interviewer speaks to is the person from the household with the next birthday.

Response rate

The response rate was based on a stringent definition of a completed interview, whereby the respondent was required to answer questions in each section of the questionnaire. Whilst some answers could be missing and the case still included in the final sample, interviewers were instructed not to include cases where the interview did not reach the end of the interview script. The advantages of applying these strict criteria was that there

were fewer cases with non-responses to specific areas of the questionnaire, but the disadvantage was that they yielded a lower response rate than if less stringent criteria had been used.

In calculating the response rate, the number of completed interviews was expressed as a proportion of the number of contacts made (including partial interviews and refusals). Contacts were defined as calls where a householder answered the telephone, and where the household was found to be eligible for inclusion in the study. In cases, where the interview was terminated before the pre-screening questions could be asked and eligibility for inclusion determined, these were included in the calculations. Again, this method of calculation is likely to result in a minimum rate and is a stringent method.

5,120 contacts were made. Of these contacts:

- 1,000 led to completed interviews
- 3,581 were straight refusals
- 364 were where a call back was arranged to conduct the interview at another time but further contact was not in fact made as the target of 1,000 completed interviews were achieved before the call back appointment
- in 175 cases the interview was stopped before completion by either the interviewer or the interviewee.

The response rate was, therefore, 20 per cent, calculated as:

$$R = \frac{(\text{completed interviews}) \times 100}{(\text{refusals} + \text{incomplete callbacks} + \text{stopped interviews} + \text{completed interviews})}$$

The overall response rate for the survey was likely to have been affected by a number of factors. The refusal rate for any type of randomly dialled telephone sample is normally high as people are suspicious of where their numbers have been obtained. Additionally, refusal rates increase with the length of the interview and if the subject is not considered to be interesting or personally relevant (for example, surveys of new car owners about their new vehicle obtain high response rates). During the survey the average interview length was 23 minutes, the shortest interview 14 minutes and the longest 47 minutes.

Had the survey been left in the field for longer, the number of call backs without completion could have been reduced. This would also have increased the response rate. The survey was conducted during the traditional 'summer holiday' period *ie* June and July and this may also have had some effect.

Other telephone surveys of this type (*ie* random sample taken from general population) have, in the experience of the research

team (including NOP Social and Political Wing), typically yielded response rates of between ten and 30 per cent.

Weighting

Once the 1,000 interviews had been achieved, the next stage was to check the distribution of the sample against estimates of the employed working age population provided by the Labour Force Survey, for any possible sampling and/or response biases, and weight the data accordingly.

The final data set used in the analysis throughout this report was weighted by five variables on which the achieved sample demonstrated significant differences compared with the Labour Force Survey. These variables were:

- Gender of respondent (women were over-represented in our sample).
- Whether respondent has any health problems or disabilities lasting more than 12 months (disabled respondents were under-represented in our sample).
- Respondent's occupation (defined according to the Standard Occupational Classification – SOC) – our sample over-represented managerial and professional workers.
- Whether respondent works for a public or private sector employer (public sector workers were over-represented in our sample).
- Highest qualification of respondent (our sample slightly over-represented those with the highest level qualifications, and those with no qualifications, and under-represented those with intermediate level qualifications).

Appendix 2: Details of Achieved Sample

In this Appendix the some of the key characteristics of the survey respondents are summarised (in addition to those presented in Chapter 2 of the main report), distinguishing between:

- personal characteristics
- family and household characteristics
- characteristics of respondent's employer
- characteristics of respondent's job
- terms and conditions of respondent's employment.

Table A1: Personal and household characteristics (1

Characteristic		%
Gender		
	Male	57.3
	Female	42.7
Age		
	16-25	14.2
	26-35	28.2
	36-45	27.2
	46-55	22.5
	56-64	7.3
	Not answered	0.5
Ethnic origin		
	White	94.0
	Non-white	5.5
	Not answered	0.6
Disabled?		
	Yes	19.9
	No	79.9
	Not answered	0.3
Highest qualification		
	No qualifications	9.9
	NVQ 1	8.9
	NVQ 2	29.0
	NVQ 3	15.5
	NVQ 4	29.0
	NVQ 5	6.9
	Not answered	0.9
Unweighted base (n=100%)		1,000

Table A2: Family and household characteristic

Characteristic	%
Parent?	
Yes	62.2
No	37.7
Not answered	0.1
Caring responsibilities (for elderly relative or other adult)?	
Yes	8.4
No	91.6
Marital status	
Single (never married) living alone	19.3
Single and living with parent(s), friend or sibling	9.5
Married or living with another adult as a couple	57.1
Separated or divorced	12.7
Widowed	1.4
Housing tenure	
Owned outright	13.6
Buying with the help of mortgage or loan	58.0
Pay part rent and part mortgage	0.8
Rent from local authority or housing association	10.1
Rent from private landlord	10.6
Live rent free	6.8
Unweighted base (n=100%)	1,000

Table A3: Characteristics of employer

Characteristic	%
Sector	
Primary & extractive	1.9
Manufacturing, utilities & construction	26.0
Distribution, catering, transport *etc*	24.1
Business and services	9.5
Public admin., education & health	23.1
Other services	6.0
Not answered	1.3
Not applicable*	7.9
Type of employing organisation	
Public sector	29.0
Private sector	60.9
Voluntary or charitable	1.2
Don't know	0.9
Not applicable*	7.9
Size of workplace (employees)	
Under 15	14.8
15-49	17.7
50-199	20.9
200-499	14.5
500-1999	11.2
2000+	8.3
Not answered	4.6
Not applicable*	7.9
Trade union presence in the workplace?	
Yes	44.1
No	52.5
Not answered/not applicable**	3.4
Unweighted base (n=100%)	1,000

**: note that respondents engaged in agency temping, casual and some other kinds of temporary work, were not asked the sector or size of their employer*

*** this group includes, in addition to non-respondents, respondents who were self-employed at the time of the interview.*

Table A4: Characteristics of respondent's job

Characteristic	%
Occupation	
Managerial/admin.	17.3
Professional/technical	14.1
Assoc. professional/technical	9.9
Clerical/secretarial	13.9
Craft/skilled manual	11.5
Personal and protective services	9.1
Sales	8.6
Plant/machine operatives	7.7
Other unskilled	6.4
Not answered	1.5
Supervisory or managerial authority?	
Yes	46.3
No	52.3
Not answered	1.4
Unweighted base (n=100%)	1,000

Table A5: Terms and conditions of respondent's employment etc

Characteristic		%	
Hourly rate of pay			
	Less than £5.00	17.4	
	£5.00 to £7.40	16.8	
	£7.41 to £10.96	18.0	
	£10.97 or more	16.4	
	Not answered	31.3	
Working time			
	under 16 hours p.w.	5.4	
	16-34 hours p.w.	13.5	
	35+ hours p.w.	81.1	
Employment status			
	Permanent	85.6	
	Temporary	13.0	
	Of which		
	Seasonal work		*0.9*
	Contracted for fixed period or task		*5.6*
	Agency temping		*3.8*
	Casual nature of work		*1.5*
	Planning to leave		*0.4*
	Post may lapse		*0.2*
	Other		*0.7*
	Not answered	2.8	
Union membership			
	Member	30.9	
	Non-member	65.6	
	Not answered/not applicable**	3.4	
Has statement of terms and conditions?			
	Yes	84.2	
	No	14.4	
	Not answered/not applicable**	3.4	
Unweighted base (n=100%)		1,000	

*** this group includes, in addition to non-respondents, respondents who were self-employed at the time of the iinterview.*

Appendix 3: Scenarios

Development of scenarios

Drawing on the insights provided by experts and practitioners in the area, through workshop sessions (see Appendix 1), scenarios were developed, which were used to examine respondents' perceptions of entitlement to employment rights. It was important that these scenarios reflected real life experiences as much as possible, both for credibility and to ensure that the research tested reactions to common situations. However, there were other issues involved in the design of this element of the questionnaire.

Firstly there was the need to cover as many areas of law as possible within the study constraints. However, each respondent could only be asked about a certain number of scenarios due to the time constraints of the interview. In order to meet both these criteria it was decided to design 15 scenarios, each covering one aspect of the law in one of five broad areas of law (with three scenarios in each area). Each respondent was asked to answer questions on three scenarios, each from a different area. The allocation of scenarios to respondents was decided randomly, resulting in slightly differing numbers of respondents answering questions about each scenario. This was taken into account when performing data analyses. The random approach ensured both that each scenario was asked of around 200 respondents, and that there was no bias in the allocation of scenarios to respondents, such that the results for each scenario could be generalised for the sample as a whole.

Another issue was to ensure that the scenarios were simple enough for individuals to understand, but also as true to life as possible. Using the information generated during the expert workshops, each scenario was designed around one specific point of law, in order to focus on knowledge and awareness about specific issues.

Once the scenarios had been designed, they were sent back to the advice agencies and other organisations involved in the workshops. Following their comments about complexity and applicability, the scenarios were then finalised.

Scenario responses

Table A6 indicates the number of respondents to each of the scenario questions. The detailed wording of each scenario can be found in the relevant chapter of the main report covering the area of law in question (the scenarios are also listed in the questionnaire itself – Appendix 4 below).

Table A6: Responses to scenarios

Scenario	Number of respondents (unweighted)
Working time legislation	
1: Annual leave	213
2: Sick pay	186
3: Working hours	190
Work-life balance	
4: Parental leave	180
5: Release from work for ante-natal classes	215
6: Time off for dependants	201
Unfair dismissal	
7: Unfair dismissal on grounds of sexual orientation	208
8: Unfair dismissal on grounds of age	199
9: Unfair dismissal in relation to sickness	193
Wages, terms and conditions	
10: Payment for temporary worker	188
11: Refusal to supply contract	230
12: Deduction from wages	210
Discrimination	
13: Race discrimination — benefits	205
14: Sex discrimination — dress code	206
15: Disability discrimination — promotion	176

Appendix 4: Telephone survey questionnaire

INDIVIDUAL EMPLOYMENT RIGHTS

TELEPHONE QUESTIONNAIRE

Confidential to the Institute for Employment Studies

I work for NOP, an independent market research organisation. We have been commissioned by the Department of Trade and Industry (an office of central government) to speak to individuals about their rights at work. We are interested in the opinions and experiences of individuals of working age.

Before we start, can I just ask you a few key questions?

Section 1: Screening Questions

1.1 Can you just confirm whether you are male or female?

1.2 What was your age last birthday? *(record in years) If refuse, ask can you confirm you are between 16 and 59 years of age (women) or 16-64 years of age (men)*

1.3 If under 16 go to 1.8

If over 59 and female go to 1.8
If over 64 and male go to 1.8

Can I ask you first of all, which of the following best describes what you do at the moment?

Working in a paid job or business as an employee within the UK	GO TO 1.7
Working in a paid job or business on a self-employed basis	GO TO 1.8
(Temporarily) laid off, or on short time at firm	GO TO 1.8
Unemployed and actively seeking work	GO TO 1.4
On a special government training or employment scheme	GO TO 1.7
Doing unpaid work for yourself or a relative	GO TO 1.6
A full-time student or pupil	GO TO 1.6
Looking after the family or home	GO TO 1.6
Not working because temporarily sick or injured	GO TO 1.7
Not working because long-term sick or disabled	GO TO 1.8
Retired from paid work	GO TO 1.8
None of these (specify).....	GO TO 1.6

1.4 Can I just check: when you say you were unemployed and actively seeking work have you taken any active steps to find work in the previous four weeks?

1. Yes	GO TO 1.5
2. No	GO TO 1.6
Don't know/won't say	GO TO 1.6

1.5 And, if a job had become available at that time, would you have been able to start it within two weeks?

3. Yes	GO TO 1.7
4. No	GO TO 1.6
Don't know/won't say	GO TO 1.6

1.6 Can I just check: did you do any paid work in the last seven days (in the UK)?

5. Yes	GO TO 1.7
6. No	GO TO 1.8
Don't know/won't say	GO TO 1.8

1.7 **GO TO SECTION TWO (Experience of actual problems)**

1.8 When did you last work as an employee in the UK?

Less than one year ago	GO TO SECTION 2
Greater than one year ago	GO TO 1.9

1.9 This contact does meet the criteria for interview. Find out whether there are any other adults in the household who do and arrange to interview them.

Thanks for their time and terminate interview.

[If currently self-employed or unemployed the following questions relating to current employer should capture information about their last employer. Some questions will be inappropriate for those in self-employment or casual work and these individuals will be routed past these questions.]

Section 2: Experience of Actual Disputes and Problems

We are interested in finding out about people's experiences at work, particularly where they may have had problems with an employer.

2.1 Have you personally experienced any problems at work over the last 5 years in relation to your rights at work? Please include any situation that was important to you, however minor the problems may seem.

Yes, once	GO TO 2.3
Yes, more than once	GO TO 2.2

No	GO TO SECTION 3
Don't know	PROBE FOR EXPERIENCE — *reiterate that we are interested in any incidents where they feel they have been unlawfully or unfairly treated.*

2.2 *(If coded 'More than once' at 2.1)* How many problems of this sort have you had? *Record number*

Were these incidents separate or related:

How many of these took place during the last five years? (only record details of five most recent)

Can I ask you to concentrate on the most recent incident from now on. Please refer only to this incident in the questions that follow.

GO TO 2.3

2.3 We would like to find out what aspect of your rights at work the incident relates to. Before we talk about this incident in more detail, can I just ask you to briefly describe the nature of the problem/difficulty you experienced?

(Leave open and use set of pre-codes listed below – in complex cases where dispute does not fit neatly into one category, the response should be taken down verbatim and coded later)

Family or dependant issues
(should include incidents relating to maternity leave, maternity pay, parental leave, emergency dependant leave)

Working time
(should include days off, work breaks, holiday entitlement, working hours, overtime)

Pay and written particulars
(should include written statement of employment and pay, unlawful deductions from wages, entitlement to National Minimum Wage, disputes regarding pay or benefits, unlawful changes to contracts in respect to pay and other terms and conditions)

Unfair dismissal
(should include experience of disciplinary or grievance procedures in addition to cases of actual dismissal)

Discrimination
(on grounds of sex, marital status, race, disability etc. at recruitment or since).

Health and Safety
(unsafe physical or psychological working conditions)?

Other (please specify).....

If coded H&S at 2.3 go to Section 3.

2.4 When did this incident/problem/dispute (*use interviewee's words*) take place or start?
(Record month/s and year when this occurred – if earlier than 1995 go to Section 3)

2.5 How long did this last?
(*use interviewee's words*)?
(Record month/s and year when resolved/ended)

Still ongoing/unresolved.

2.6 Did you seek help or advice from anyone regarding the situation?

Yes	GO TO 2.7
No	GO TO 2.17
Don't know	GO TO 2.17

2.7 How long after the incident or situation (started) did you ***first*** seek advice about the situation? [leave open and code as follows]

Straightaway

Less than a week after the incident (or start)

Within one month of the incident (or problem starting)

2-3 months later

4-6 months later

7-12 months later

Over one year later

Don't recall

2.8 Who did you ***first*** contact for advice about any aspect of the dispute/difficulty? (Leave open and code according to the following where possible)

Personnel/HR officer/manager at work. *(If this option is chosen do not route to 2.15. After 2.14 go to 2.19)*

Friend or relative with specialist knowledge.

National Minimum Wage helpline.

A telephone help line (specify which one).....

A website (specify which one) .....

Citizens Advice Bureau.

Department of Trade and Industry (DTI).

Trade Union (which one?).

Jobcentre.

Employment Tribunal Service.

Solicitor.

Other legal representation *(please specify)*.....

ACAS (Advisory, Conciliation and Arbitration Service).

Commission for Racial Equality (CRE).

Equal Opportunities Commission (EOC).

Disability Rights Commission (DRC).

Other specialist advice centre *(please specify)*.....

Other *(please specify)*.....

2.9 What made you think of contacting ***first specified adviser***?
(Open response but the following is a list of possible codes. To be finalised post-project)

They were a friend/relative/colleague ***with specialist knowledge.***

They were a friend/relative/colleague ***with similar problem/experience.***

They were suggested by a friend/relative/work colleague.

Saw (or heard) advertisement.

Other *(please specify)*.....

2.10 When you contacted ***first specified adviser*** what were you looking for?
(Open response but code to following wherever possible)

Information/advice about who to contact/where to get help.

Information/advice about my legal rights.

Information/advice about procedures/what to do next.

Information/advice about ways to solve the problem.

Information/advice about how much it might cost me.

Advocacy (*ie* a representative).

Other advice or help.

Justice/redress.

Other (please specify).

2.11 Did you access any other sources or advice?

Yes	GO TO 2.12
No	GO TO 2.14

2.12 If YES which sources of advice? [Code all that apply]
(*prompt, did you speak to any one else?*)

Personnel/HR officer/manager at work.
(If this option is chosen do not route to 2.15. After 2.14, go to 2.19)

Friend or relative with specialist knowledge.

A telephone help line (specify which one).....

Citizens Advice Bureau (CAB).

Department of Trade and Industry.

Trade Union (which one?).

Jobcentre.

Employment Tribunal Service.

Solicitor.

Other legal representation *(please specify)*.....

ACAS (Advisory, Conciliation and Arbitration Service).

Commission for Racial Equality (CRE).

Equal Opportunities Commission (EOC).

Disability Rights Commission (DRC).

Other specialist advice centre *(please specify)*.....

Other *(please specify)*.....

2.13 Were you referred on to other sources of advice or support, or did you seek out other sources yourself? (*Code all that apply*)

Yes referred to other sources of advice

Yes sought out sources themselves

Neither

DK/can't remember

2.14 Thinking now about all the advice you received, what was the outcome of this advice? *(Open response but code to following wherever possible)*

Confirmation of unlawful/unfair treatment and decided to take action.

(after 2.17 go to 2.19)

Confirmation of unlawful/unfair treatment and decided **NOT** to take action.

Not covered by law so could not take any action.

Could not take action for other reason (*eg* out of time) (specify).....

2.15 Did you or a representative raise the issue/problem with your employer?

Yes
If yes, did you use the grievance procedure? Y/N GO TO 2.16

No GO TO 2.17

2.16 When you/your representative raised the issue/problem with your employer, who did you speak to?

Your line manager/supervisor

The Personnel Department

A senior manager/Director

Other_____

2.17 Did you/your representative take any other steps to try and remedy the situation?

Yes Probe for what action taken (*eg changed jobs etc.*) GO TO 2.19

No Go to 2.18

2.18 Why did you/your representative decide not to seek advice/take action? (*Probe to pre code*)

Didn't think it was worth the hassle/aggravation

Didn't think it would solve the problem

No faith in the system

Not confident that I would be treated fairly

Worried about potential costs of legal or other representation

Prepared to accept some degree of discrimination as the norm

Worried about potential treatment by other colleagues

Would be afraid that it could affect my future employment prospects

Didn't know where to go/how to go about it

The whole process would just take too long

Other (please specify)

GO TO SECTION 3

2.19 What did you do as a result of your dispute? [If dispute ongoing, what has happened so far?]

Open response – should be able to code most responses

Examples of potential codes include:

Made a tribunal application GO TO 2.20

ALL OTHER CODES GO TO 2.21

Employer agreed with my position and made the necessary adjustments to policy/ working practice or helped to sort out the situation

I lost my job, was made redundant, was dismissed

I moved jobs within the firm/organisation

Someone else resigned/was dismissed

I found another job/left the organisation

I am looking for another job in order to leave the organisation

2.20 Where a tribunal application was made, have you had the outcome?

Yes If yes, what was the outcome?
No GO TO 2.21
Leave open, code as follows:
The application was upheld at tribunal (applicant won case)

Reached a settlement with the employer and dropped the case

Application was dropped for a reason other than a settlement

The application was dismissed at tribunal (employer won case)

The application was withdrawn prior to the hearing

Still awaiting outcome

Other (please specify)

2.21 If you were in the same position again, would you take the same steps?

Yes	GO TO SECTION 3
No	GO TO 2.22
Don't know	GO TO 2.22

2.22 What would you do differently (if anything)?

Section 3: Awareness and Knowledge Testing

Introduction

Under current law, employers are required to ensure that employees are given certain basic rights at work. I would now like to ask you a few questions about your rights at work to establish how much you know and how well informed you feel. We are not necessarily looking for right answers - we just want to find out more about people's awareness of their employment rights. Part of our aim is to identify which rights are less well known.

3.1 Can I ask you first of all: very generally, how well informed do you feel about your rights at work?

READ OUT

Very well informed	GO TO 3.2
Well informed	GO TO 3.2
Not very well informed	GO TO 3.3
Not well informed at all	GO TO 3.3

3.2 Which of the following statements best describes how you feel?

READ OUT

I know a lot about my rights at work	GO TO 3.4
I could know more and would like to be able to find out more	GO TO 3.4
I could know more but I don't feel I need to	GO TO 3.4

3.3 Which of the following statements best describes how you feel?

READ OUT

I don't know much but know where to go to get advice

I don't know nearly enough and would like to know more

I don't know much and am not interested

Now I would like to ask you some questions about your rights as an employee.

3.4 Firstly, can you tell me of any laws that protect your rights at work?

(leave open and use following pre-codes, code all that apply)

(if respondent gives one law, probe "any other laws you can think of?" then go to 3.6)

Don't know GO TO 3.5

National Minimum Wage (accept responses about minimum pay levels, rates of pay)

Maternity rights (accept responses about maternity leave, maternity pay, time off to have a baby)

Paternity leave

Parental leave (NB this is not the same as paternity leave) (accept responses about the right for parents of both sexes to take time off to spend with children)

Time off for emergencies (accept time off to look after children, or other dependants)

Working Time Directive (accept responses around working hours, 48 hours a week limit, annual leave/holiday entitlement, in work rest breaks)

Anti-discrimination legislation (accept Sex Discrimination Act, Race Relations Act, Disability Discrimination Act, accept comments about equal pay, can't discriminate against women/people from ethnic minorities, selection, recruitment, training…)

Redundancy (accept comments about rules for selection, rules for who's entitled to pay and who isn't)

Other (write verbatim)

GO TO 3.6

3.5 For example, one law is that you are entitled to a written statement of your terms and conditions of employment. Can you give me any other examples of laws which protect your rights at work?

(if respondent gives one law, probe "any other laws you can think of?")

National Minimum Wage (accept responses about minimum pay levels, rates of pay)

Maternity rights (accept responses about maternity leave, maternity pay, time off to have a baby)

Paternity leave

Parental leave (NB this is not the same as paternity leave) (accept responses about the right for parents of both sexes to take time off to spend with children)

Time off for emergencies (accept time off to look after children, or other dependants)

Working Time Directive (accept responses around working hours, 48 hours a week limit, annual leave/holiday entitlement, in-work rest breaks)

Anti-discrimination legislation (accept Sex Discrimination Act, Race Relations Act, Disability Discrimination Act, accept comments about equal pay, can't discriminate against women/people from ethnic minorities, selection, recruitment, training...)

Redundancy (accept comments about rules for selection, rules for who's entitled to pay and who isn't)

Other (write verbatim)

Don't know/Not sure

3.6 Now I'd like to ask you some questions about different categories of employment rights at work. Don't worry about whether you get the answers right or not, employment law can be very complex and we do not expect everyone to know all the answers, we want to find out which employment rights are well known and which are the rights people just haven't heard of.

One employment right is that parents are allowed to take a set amount of time off work to spend with their child, until that child is five years old (or longer if that child has a disability).

Were you aware of this right?

Yes

No GO TO 3.7

DK/Not sure

i) How long do you think parents are allowed to take off (please give your answer in number of weeks or say if you don't know).

DK if DK at 3.6 and DK at 3.6(i) GO TO 3.7

ii) How much of this time, if any, do you think is paid leave? (Please give your answer in number of weeks or say if you don't know)

DK

iii) In your opinion should parental leave be paid.

Yes fully

Yes partly

No

No opinion

3.7 If a person had to take time off to look after their child or another dependant in an emergency, what would be their situation under the law? (please select one of the following or say if you don't know)

They can take time off, for which their employer must pay them

They can take time off, but their employer does not have to pay them

It is up to the employer whether or not time off can be taken

Don't know/Not sure

I'd now like to ask a couple of questions about maternity leave.

3.8 How many times can a woman take paid maternity leave? (Please select one of the following or say if you don't know)

Only once

As many times as she has a child

Don't know/not sure

3.9 If a woman who used to work full-time wanted to come back to work part-time after having a child, what would be her legal rights? (please select one of the following or say if you don't know)

The employer must offer her a part-time role

The employer must offer her a part-time role if possible (*eg* if there are vacancies)

There is no legal obligation for the employer to offer her a part-time role

Don't know/Not sure

3.10 Another employment right covers annual leave, in-work rest breaks and puts a limit on the number of hours people can be made to work each week.

Were you aware of this right?

Yes

No GO TO 3.15

DK/Not sure

i) Please tell me what you think the average weekly limit is for working hours (give your answer in number of hours or say if you don't know)

DK If DK at 3.10 and DK at 3.10(i) GO TO 3.15

ii) There is also a right within any 24 hours to a set number of hours off, please tell me how many hours you think this is (please give your answer in number of hours).

3.11 Workers have the right (after being employed for 13 weeks) to a number of weeks of paid leave each year. How many weeks is this? (please give your answer in number of weeks or say if you don't know)

3.12 After working a certain number of hours in one day, employees are entitled to an in work rest break. How many hours have to be worked (or say if you don't know)?

3.14 Workers are entitled to a weekly rest break. Is this:

2 days a week

2 days over a fortnight

3 days over a fortnight

Don't know/Not sure

3.15 One of your rights as an employee is the right to a National Minimum Wage.

Were you aware of this right?

Yes

No GO TO 3.18

DK

3.16 Can you tell me the current hourly rate of the Minimum Wage for an employee, over the age of 21, not in training? (please give your answer in pounds and pence, or say if you don't know)

DK

3.17 How long must you work for an employer before you are entitled to ask for the relevant National Minimum Wage? (please select one of the following or say if you don't know)

1 month

1 year

You are entitled to the National Minimum Wage from day one of your employment

Don't know/Not sure

3.18 Another area of employment rights says you should be treated fairly regardless of race, gender or disability.

Were you aware of this right?

Yes

No GO TO 3.22

DK/Not sure

i) How many employees must an organisation have before they are covered by the disability discrimination act? (please answer in number of employees or say if you don't know)

1 15 35 DK

ii) How many employees must an organisation have before they are covered by race and sex discrimination legislation?(please answer in number of employees or say if you don't know)

1 15 35 DK

iii) How long must an individual have worked at an organisation before they are covered by anti-discrimination legislation? (please say if you don't know)

They are covered from day one

After one month

After three months

DK/Not sure

3.19 Which of the following is not covered by anti-discrimination legislation? (Please choose an option or say if you don't know or aren't sure)

An individual's marital status

An individual's age

An individuals ethnic background

Don't know/not sure

3.20 Which one of the following is true in relation to the employment of people with disabilities? (Please select from one of the following options or say if you don't know)

Employers must employ a percentage of people with disabilities

Employers must show that they do not discriminate against people with disabilities

Don't know/not sure

3.21 In which of the following aspects of employment must an employer demonstrate that they are treating all employees fairly? (Please select one or say if you don't know)

Access to training only

Access to promotion only

Both

Neither

Don't know/not sure

3.22 Another area of employment rights covers the right not to be dismissed unfairly.

Were you aware of this right?

Yes

No GO TO 3.23

DK/Not sure

i) If a person wants to complain to a tribunal about unfair dismissal they must do so within a set time from the date of the dismissal. How soon after the dismissal must they make their complaint?

One month

Three months

Six months

One year

DK/Not sure

ii) Is an employee entitled to representation in any meetings with their employer regarding disciplinary or grievance matters?

Yes

No GO TO 3.23

DK/Not sure GO TO 3.23

If yes, which of the following people can represent them? (code all that apply, or say if don't know)

Colleague/friend employed by same organisation

Union representative (from their workplace)

Union official (full time union employee)

Other adviser

Don't know/Not sure

3.23 We are interested in finding out where people have learnt about employment rights. How have you heard or found out about your rights at work?

Posters/Leaflets

Union representative

Telephone helpline (please specify or can't remember)

Advice agency

Through friends/colleagues

From my employer

Other (please specify).....

3.24 If you wanted to find out more information, for example if you had a problem at work, thought that you were being treated unfairly or were not receiving your rights, where would you go to find out this information? *(leave open and code as follows)*

Personnel/HR officer/manager at work

Friend or relative with specialist knowledge

National Minimum Wage helpline

A telephone help line (specify which one).....

A website (specify which one) .....

Citizens Advice Bureau (CAB)

Department of Trade and Industry (DTI)

Trade union (which one?)

Jobcentre

Employment Tribunal Service

Solicitor

Other legal representation *(please specify)*..... .....

ACAS (Advisory, Conciliation and Arbitration Service)

Commission for Racial Equality (CRE)

Equal Opportunities Commission (EOC)

Disability Rights Commission (DRC)

Other specialist advice centre *(please specify)*.....

Other (please specify).....

Section 4: Disputes and Problems (hypothetical)

I would now like to ask you about a number of different situations that people might experience at work.

4.1. Please imagine the following situation:

FIRST SCENARIO

a) Do you believe that the employer has acted lawfully in this matter?

Yes GO TO 4.3

No

Don't know

b) In what way do you think the individual's rights at work have been infringed?
(Remind if necessary that we are looking for which parts of the law have been broken)

[Prompt: any other ways in which the law has been broken?]

4.2. If you found yourself in the situation we have just discussed, would you take action?

Yes

No

4.3. Please imagine the following situation:

SECOND SCENARIO

a) Do you believe that the employer has acted lawfully in this matter?

Yes GO TO 4.5

No

Don't know

b) In what way do you think the individual's rights at work have been infringed?
(Remind if necessary that we are looking for which parts of the law have been broken)

[Prompt: any other ways in which the law has been broken?]

4.4. If you found yourself in the situation we have just discussed, would you take action?

Yes

No

Don't know

4.5. Please imagine the following situation:

THIRD SCENARIO

a) Do you believe that the employer has acted lawfully in this matter?

Yes GO TO 4.7

No

Don't know

b) In what way do you think the individual's rights at work have been infringed?
(Remind if necessary that we are looking for which parts of the law have been broken)

[Prompt: any other ways in which you think the law has been broken?]

4.6. If you found yourself in the situation we have just discussed, would you take action?

Yes

No

4.7. Thinking more generally now, if you found yourself in a situation where your employer was acting unfairly or unlawfully over your rights at work, what would you do?
(Leave open but code the following)

a) ignore situation/do nothing	GO TO 4.12
b) change job, but stay with same company	GO TO 4.12
c) leave the employer	GO TO 4.12
d) seek advice	GO TO 4.9
e) talk to employer direct	GO TO 4.8

4.8. If your employer was not able/prepared to help sort out the situation to your satisfaction, would you seek any further advice?

Yes

No GO TO 4.12

4.9. Which people/agencies/organisations would you contact for this advice?
(Leave open but code according to the following where possible) [Code all that apply]

Personnel/HR officer/manager at work.

Friend or relative with specialist knowledge.

National Minimum Wage helpline

A telephone help line (specify which one).....

Citizens Advice Bureau. (CAB)

Department of Trade and Industry. (DTI)

Trade union (which one?).....

Jobcentre.

Employment Tribunal Service.

Solicitor.

Other legal representation *(please specify)*.....

ACAS. (*Advisory, Conciliation and Arbitration Service)*

Commission for Racial Equality. (CRE)

Equal Opportunities Commission. (EOC)

Disability Rights Commission. (DRC)

Other specialist advice centre *(please specify)*.....

Other *(please specify)*.....

4.10. What would you hope to gain from this?
(Leave open but code to the following where possible)

Advice about who to contact/where to get help

Advice about my legal rights

Advice about procedures/what to do next

Advice about ways to solve the problem

Advice about how much it might cost me

Someone to represent me in tribunal

Other advice or help

Justice/redress

Other (please specify)

Don't know

4.11. If you were advised or decided that you would need to take the matter further, perhaps to a tribunal, would you prepared to do so?

Yes GO TO 4.13

No

4.12. What would be the reasons that you wouldn't be prepared to take the matter further?
(Leave open but code to the following where possible)

It wouldn't be worth the hassle/aggravation

Don't think it would solve the problem

No faith in the system

Not confident that I would be treated fairly

I would be worried about potential costs of legal or other representation

I'm prepared to accept some degree of discrimination as the norm

I'd be worried about potential treatment by other colleagues

I would be afraid that it could affect my future employment prospects

The whole process would just take too long

Losing my job

Receiving a bad reference

Being unable to get employment in the future

Alienating other employees/management

Not receiving fair treatment or a fair hearing

The process is too lengthy

Afraid of the costs involved

Other (please specify)

Don't know

4.13. How confident would you feel that you would receive justice through the system? *(Please select one of the options that follow)*

Very confident

Confident

Not sure

Not very confident

Not confident at all

Section 5: Availability and Take-up of New Entitlements to Time Off

Ask only of those who are currently in employment. I would now like to ask you some questions about the various provisions for time off that employers sometimes allow.

5.1 Leaving aside your annual leave/holiday entitlement, does your employer offer parental leave (*ie* the opportunity for *mothers or fathers* to take up to 13 weeks off work to spend with their children up until the child is 5 years old). [NB This is different from paternity leave].

Yes

No GO TO 5.5

Don't know GO TO 5.5

If yes, is it paid parental leave?

Yes (fully) Yes (partly) No (unpaid) Don't know

5.2 Have you been eligible for parental leave in the last year?

Yes

No GO TO 5.3

Don't know GO TO 5.3

If yes, did you take it?

Yes

No

5.3 If you became eligible for parental leave (again) would you take it?

Yes GO TO 5.6

No

Don't know

5.4 What would stop you taking parental leave?

Couldn't afford it

Worried about effects on career

Worried about job security

Other (please specify)

Don't know

GO TO 5.6

5.5 If you asked your employer for parental leave do you think you would get it?

Yes

No

Don't know

5.6 Leaving aside your annual leave/holiday entitlement, does your employer offer time off for dependants (that is time off in an emergency for example to meet caring responsibilities)?

Yes

No GO TO 5.10

Don't know GO TO 5.10

If yes, is this time off for dependants paid?

Yes (fully) Yes (partly) No (unpaid) Don't know

5.7 Have you needed to take time off for dependants in the last year?

Yes

No GO TO 5.8

Don't know GO TO 5.8

If yes, did you take it?

Yes

No GO TO 5.9

5.8 If you needed to take time off for dependants (again) would you take it?

Yes GO TO 5.11

No

Don't know

5.9 What would stop you taking time off for dependants?

Couldn't afford it

Worried about effects on career

Worried about job security

Other (please specify)

Don't know

GO TO 5.11

5.10 If you asked your employer for time off for dependants do you think you would get it?

Yes

No

Don't know

5.11 Leaving aside your annual leave/holiday entitlement, does your employer offer paternity leave to fathers (*ie* time off work immediately following the birth of a baby)?

Yes – number of days?

No GO TO 5.12

Don't know GO TO 5.12

If yes, is this paid paternity leave?

Yes (fully) Yes (partly) No (unpaid) Don't know

5.12 If No/Don't know at 5.11 **or if female** go to Section 6

5.13 Have you been eligible to take this leave in the last year?

Yes

No GO TO 5.14

Don't know GO TO 5.14

If yes, did you take it?

Yes No GO TO 5.15

5.14 If you became eligible would you take it (again)?

Yes GO TO Section 6

No

Don't know

5.15 What are the reasons you wouldn't take it? [*leave open and code as follows*]

Couldn't afford it.

Worried about job security.

Worried about career prospects.

Other please specify.

Don't know.

Section 6: Employment Details

About your employer:

I would now like to ask you some general questions about your employer:

6.1 Leaving aside your own personal intentions and circumstances, is/was your job

A permanent job.	GO TO 6.3
Or is there some way in which it is not permanent?	GO TO 6.2
Don't know.	GO TO 6.3

6.2 In what way is/was your job not permanent? (*code one only*)

Seasonal work.	GO TO 6.3
Done under contract for a fixed period or for a fixed task.	GO TO 6.3
Agency temping.	GO TO 6.11
Casual type of work.	GO TO 6.11
Not permanent in some other kind of way (specify).	GO TO 6.11

6.3 Is the organisation where you work/last worked a: (*if more than one job, ask about main activity, ie job which accounts for the greatest number of hours)*

Public sector organisation (*eg funded by Government, eg local government, NHS etc.)*	GO TO 6.6
Private sector organisation (*ie profit making)*	GO TO 6.4
Voluntary or charitable organisation (*ie not for profit)*	GO TO 6.4
Don't know	GO TO 6.4

6.4 Is the organisation you work/worked for UK owned (GO TO 6.6) or foreign owned?

6.5 If foreign owned, in which country are the head offices based?

6.6 What does the firm/organisation you work/worked for mainly make or do (at the place where you work)? (*record response, and probe as appropriate for manufacturing or processing, or distributing etc.; and main goods produced, materials used, wholesale or retail etc.) Code to SIC (2-digit)*

INTERVIEWER: GET AS FULL A DESCRIPTION AS POSSIBLE. IF NECESSARY,

PROBE – WHAT DOES [DID] THE BUSINESS MAKE OR SELL? WHAT GOODS ARE PRODUCED OR SOLD, MATERIALS USED, WHOLESALE OR RETAIL *ETC.*

CODE ONE OF THE FOLLOWING. IF ANY DOUBTS, RECORD ANSWER VERBATIM AT CODE "17"

1. Agriculture, hunting & forestry
2. Fishing
3. Mining & quarrying
4. Manufacturing
5. Electricity, gas & water supply
6. Construction
7. Wholesale & retail trade/repair of motor vehicles & household goods (*includes all shops and retail activities*)
8. Hotels & restaurants
9. Transport, storage & communication
10. Financial intermediation (banks, building societies, insurance *etc.*)
11. Real estate, renting (includes renting of machinery & equipment) & business services (legal, accounting, market research, architectural, advertising *etc.*)
12. Public administration and defence (incl. fire service, law & order, social security)
13. Education
14. Health & social work
15. Other community, social and personal service activities (incl. sewage/refuse disposal, trade unions, professional and membership organisations)
16. Private households with employed persons (domestic services *etc.*)
17. Other (please specify).

.....

6.7 How many employees are there in total at the place where you work? (*i.e.* the establishment where they are based)

1-5

6-14

Don't know but under 15

15-49

50-199

200-499

500-1,999

2,000+

Don't know but 15 or more

Don't know even in broad terms

6.8 As well as the place where you work, does your employer have any other offices, factories or sites where people work?

Yes

No (GO TO 6.10)

Don't know (GO TO 6.10)

6.9 How many employees in total does the organisation/company employ in total *(includes overseas)*

1-10 11-15 Don't know but under 15

15-49 50-199 200-499

500-1,999 2,000+ Don't know but more than 15

Don't know even in broad terms

About your job:

I would now like to ask you some questions specifically about the job that you do:

6.10 How long have you worked for your current employer? **OR** How long did you work for your last employer? *(note down number of years and months where available)*

Temporary/Casual Don't know

6.11 In your current/last job, how many hours per week do you usually work, excluding meal breaks and overtime (*ie* contracted hours-round up to nearest hour)

6.12 Do/did you ever do work which you would regard/regarded as paid or unpaid overtime?

Yes

No GO TO 6.16

6.13 How many hours paid overtime did/do you usually work each week? *(record in hours, round up to nearest hour)*

Don't know/Can't remember

6.14 How many hours unpaid overtime do you usually work each week? *(record in hours, round up to nearest hour)*

Don't know/Can't remember

6.15 Check total hours per week.

6.16 In the organisation/firm where you work/worked, what is/was the main job that you do/did? *(record response, probe for job title, occupation, profession, and any special qualifications necessary to do the job) Code to SOC (2-digits)*

INTERVIEWER: OBTAIN JOB TITLE AND PROBE FOR TYPE OF JOB -

MANAGERIAL, PROFESSIONAL, TECHNICAL, CLERICAL, SALES, MANUAL, SKILLED, SEMI-SKILLED, UNSKILLED ETC.

CODE ONE OF THE FOLLOWING. IF ANY DOUBTS, RECORD ANSWER VERBATIM AT CODE '10'

1 Managers and administrators or more senior staff

2 Professional/technical staff (*eg* professional engineers, scientists, accountants, teachers, solicitors)

3 Associate professional/technical staff (*eg* scientific technicians, computer programmers, nurses)

4 Clerical/secretarial staff

5 Craft and other skilled manual workers (*eg* skilled construction workers, electronic trade workers, textile workers)

6 Personal & protective service staff (*eg* catering staff, hairdressers, domestic staff, security guards)

7 Sales staff

8 Plant and machine operatives

9 Other unskilled jobs (*eg* labouring jobs)

10 None of these (write in job description)

6.17 In your job, do you supervise or have managerial authority for the work of other people?

Yes (how many)

No

Don't know

6.18 Is there a trade union branch or group of union members in your workplace?

Yes

No

Don't know

6.19 Are you a member of a trade union or staff association?

Yes, union (If so, specify which and ask 'are you a union rep?').

Yes, staff association (If so, specify which).

No GO TO 6.21

Don't know GO TO 6.21

6.20 Is this union/association recognised by your employer for pay bargaining purposes?

Yes

No

Don't know

6.21 Do you have a written contract of employment?

Yes

No

Don't know

6.22 Do you have a written statement of terms and conditions? (*ie* hours of work, rates of pay *etc.*)

Yes

No

Don't know

GO TO SECTION 7

Section 7: Personal Details

Can I now ask you a few questions about yourself?

7.1. What qualifications do you have, starting with the highest qualifications?

(CODE ALL THAT APPLY: PROBE AS NECESSARY 'anything else' eg, *where number or level of qualification affects coding)*

1 Higher degree (eg Masters or Doctorate) NVQ or SVQ level 5

2 First (Bachelors) degree NVQ or SVQ level 4

3 Other degree level qualification including graduate membership of a professional institute or PGCE

4 Diploma in higher education

5 Teaching qualification (excluding PGCE)

6 Nursing or other medical qualification

7 Other higher education qualifications below degree level

8 2 or more A levels Advanced GNVQ/GSVQ 3 or more SCE Highers 4 or more AS levels NVQ or SVQ level 3

9 One A level 1 or 2 Scottish Highers 2 or 3 AS-levels Intermediate GNVQ/GSVQ NVQ or SVQ level 2

10 5 or more GCSE grades A* to C 5 or more O-levels 5 or more CSEs at grade1 5 or more SCE Standard/Ordinary grades 1-3

11 One AS level Fewer than 5 GCSE grades A* to C Fewer than 5 O-levels Fewer than 5 CSEs at grade 1 Fewer than 5 SCE Standard/Ordinary grades 1-3

12 Certificate of Sixth Year Studies (CSYS) Scottish Certificate of Sixth Year Studies

13 HNC/HND Higher level of BTEC/BEC/TEC Higher level of SCOTEC/SCOTVEC/SCOTBEC

14 BTEC/BEC/TEC National Certificate SCOTBEC/SCOTEC/SCOTVEC National

Certificate ONC/OND

15 BTEC/BEC/TEC First Diploma or General Diploma
SCOTBEC/SCOTEC/SCOTVEC First Diploma or General Diploma

16 BTEC/BEC/TEC First or General Certificate SCOTBEC/SCOTEC/SCOTVEC First or General Certificate, or modules towards a National Certificate

17 City and Guilds Advanced Craft

18 City and Guilds Craft

19 Other City and Guilds Qualifications

20 RSA Higher Diploma

21 RSA Advanced Diploma or Advanced Certificate

22 RSA Diploma

23 Other RSA qualifications (including Stage I, II and III)

24 Recognised Trade Apprenticeship (completed)

25 YT Certificate

26 Any other professional/vocational qualification/foreign qualifications (*please specify)*

27 None

28 Don't know

7.2. Are you currently studying for any qualifications? *(to specify level – list as above)*

7.3. What is the full postcode of your main residence?

If no or don't know, go for first 3 letters

7.4. Which of the following best describes your current home accommodation?

READ OUT

Own it outright

Buying it with the help of a mortgage or loan

Pay part rent and part mortgage (shared ownership)

Rent from local authority or housing association

Rent from private landlord

Live rent free (including rent-free in relative's/parents/friends' property, excluding squatting)

Squatting

Don't know

7.5. What is your current marital status? – are you:
READ OUT *(but accept one answer only)*

Single (never married) and living alone?

Single and living with parent(s), friend or sibling?

Married or living with another adult as a couple?

Separated or divorced?

Widowed?

7.6. Do you have any dependent children living with you?

Yes

No GO TO 7.8

Don't know GO TO 7.8

7.7. How many do you have in each of the following age groups?

0-4 years

5 to 11 years

12-15 years

16-18 years and in full time education

7.8. Do you have caring responsibilities for an elderly relative or other adult?

Yes

No

Don't know

7.9. Do you have any health problems or disabilities that you expect will last for more than a year?

Yes

No GO TO 7.11

Don't know

7.10. Does this (do these) health problem(s) or disability(ies), (when taken singly or together) substantially limit your ability to carry out normal day-to-day activities?

Yes

No

Don't know

7.11. To which of the following ethnic groups do you consider you belong?

READ OUT

White

Black-Caribbean

Black-African

Black-other black groups

Indian

Pakistani

Bangladeshi

Chinese

Other (please specify)

Don't know/won't say

7.12. Is English your first language?

Yes

No

Don't know

Finally, I would like to ask you a couple of questions about your salary.

7.13. Are you usually paid

On an hourly basis

On a weekly basis

On a monthly basis

Don't know

7.14. What was your gross pay, that is your pay before any deductions, the last time you were paid? (accept annual pay if necessary)

If refusal, go to 7.16

7.15. Can I just check: what period did this cover? *(If paid hourly, take hourly pay; if monthly/weekly take on this basis).*

Thanks for their time

7.16 Can I just ask one final question? The DTI may be interested in conducting further research in this area. Would you be prepared to participate in further research? (If yes take their contact details)

Name

Address

Telephone No.

Appendix: Scenario Testing Questions (each respondent to answer 4)

Working Time

1. A friend of yours is told by their employer that, due to a fall in profits at the organisation, his annual holiday entitlement will be cut from four weeks to three weeks a year.

2. A friend becomes ill and is signed off sick by their doctor for 2 weeks. Their employer tells them that they won't be paid for any of this time off.

3. Your friend works in a factory where the official working week is 45 hours. However, people have always worked more like a 50 or 60 hour week, despite the fact that they get the same wage regardless of the number of hours they work. Wages at the factory have always been considered good. The employer decides to limit the working week to 48 hours in line with recent legislation but tells your friend that his salary will also have to be cut.

Family Friendly

4. Your friend has just become a father and wants to take time off to spend with his new baby. He proposes to his employer that he take off a week each month, unpaid, for three months, starting in a months time. His employer refuses.

5. Your friend is pregnant. She needs to take time off in order to attend ante-natal classes. The employer refuses her the time off, insisting that she make appointments which are outside of her normal work hours or have her pay docked.

6. You are friends with a couple who have a new baby. Both parents work full time. The father is late arriving at work one day as the childminder was delayed arriving at his home. The employer issues a warning letter and says if it happens again the man faces dismissal.

Unfair Dismissal

7. Someone you know started work for a company just over a year ago. He has received lots of praise from his manager and colleagues about the standard of his work and he thinks the job is going really well. The manager discovers that he is gay and soon afterwards the man is dismissed on the grounds that it is 'not working out' and that he 'would be happier working elsewhere'.

8. You are friends with a woman who recently started work for a new manager within the company in which she has worked for the last 12 months. She looks much younger than she actually is. She received a lot of initial praise about the standard of her work from the new manager and thinks the job is going well. Her new manager discovers her age when he consults her personnel records and soon afterwards she is dismissed from the company on the grounds that 'the new position is not working out'.

9. Your friend has very bad asthma. During the summer she is forced to take a lot of days off sick. The employer feels that this is unacceptable and threatens to dismiss her.

Terms and Conditions, wages and salary issues (including the NMW)

10. Your friend is employed by an agency to work as a temp. The agency has not paid him for his last week's work. They say the firm where he was working has not yet paid them.

11. Your friend has worked at a factory for 3 months, she asks her employer for a copy of her employment contract. The employer refuses saying that 'no-one else at the factory has a contract, why should he provide her with one?'

12. Your friend works as a delivery driver. He crashes his van whilst at work. When he returns to his base, his employer explains that his wages for that week will be docked by £100, the amount of money which is the excess on the vans insurance policy.

Discrimination

13. You have a friend who works for a large organisation and who has just been promoted to a senior position. Your friend is Asian but everyone else at this level is white. Previously staff at this level have been given a car as part of the package. Your friend has been told that he will not be receiving a car, but is not given any reason for this.

14. The uniform at a company where your friend works is set, men are given trousers to wear and women are required to wear skirts. Your friend objects to the uniform and asks if she can be given trousers to wear. The application is refused and the employer tells her that unless she conforms to the standard uniform she faces disciplinary action.

15. When a round of promotion is in process at your friend's employer, a number of items from the personnel records are used to determine who gains promotion. One of the items used is the sickness record of the employee. Your friend is disabled and has been forced to take more days off than the rest of the candidates. On this basis he is refused promotion.

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